47/pt.0-19/990

code of federal regulations

Telecommunication

47

PARTS 0 TO 19

Revised as of October 1, 1990

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PARTS 0 TO 19

Revised as of October 1, 1990

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AS OF OCTOBER 1, 1990

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To cite the regulations in this volume use title, part and section number. Thus, 47 CFR 0.1 *refers to title 47, part 0, section 1.*

Explanation

The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

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Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

Title 1 through Title 16	as of January 1
Title 17 through Title 27	as of April 1
Title 28 through Title 41	as of July 1
Title 42 through Title 50	as of October 1

The appropriate revision date is printed on the cover of each volume.

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The contents of the Federal Register are required to be judicially noticed (44 U.S.C. 1507). The Code of Federal Regulations is prima facie evidence of the text of the original documents (44 U.S.C. 1510).

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The Paperwork Reduction Act of 1980 (Pub. L. 96-511) requires Federal agencies to display an OMB control number with their information collection request. Many agencies have begun publishing numerous OMB control numbers as amendments to existing regulations in the CFR. These OMB numbers are placed as close as possible to the applicable recordkeeping or reporting requirements.

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MARTHA L. GIRARD,
Director,
Office of the Federal Register.

October 1, 1990.

THIS TITLE

Title 47—TELECOMMUNICATION is composed of five volumes. The parts in these volumes are arranged in the following order: Parts 0-19, Parts 20-39, Parts 40-69, Parts 70-79, and Part 80 to End, Chapter I—Federal Communications Commission. The last volume, Part 80 to End, also includes Chapter II—Office of Science and Technology Policy and National Security Council, and Chapter III—National Telecommunications and Information Administration, Department of Commerce. The contents of these volumes represent all current regulations codified under this title of the CFR as of October 1, 1990.

Part 73 contains a numerical designation of FM broadcast channels (§ 73.201) and a table of FM allotments designated for use in communities in the United States, its territories, and possessions (§ 73.202). Part 73 also contains a numerical designation of television channels (§ 73.603) and a table of channel assignments to listed communities in the United States, its territories, and possessions (§ 73.606).

The OMB control numbers for the Federal Communications Commission, appear in § 0.408 of Chapter I. For the convenience of the user § 0.408 is reprinted in the Finding Aids section of the second, third, fourth, and fifth volumes.

Redesignation tables for Chapter I—Federal Communications Commission appear in the Finding Aids section of the two volumes containing Parts 20-39, and Part 80 to End. A Cross Reference table appears in the Finding Aids section of the volume containing Part 80 to End.

For this volume Linda L. Jones was Chief Editor. The Code of Federal Regulations publication program is under the direction of Richard L. Claypoole, assisted by Alomha S. Morris.

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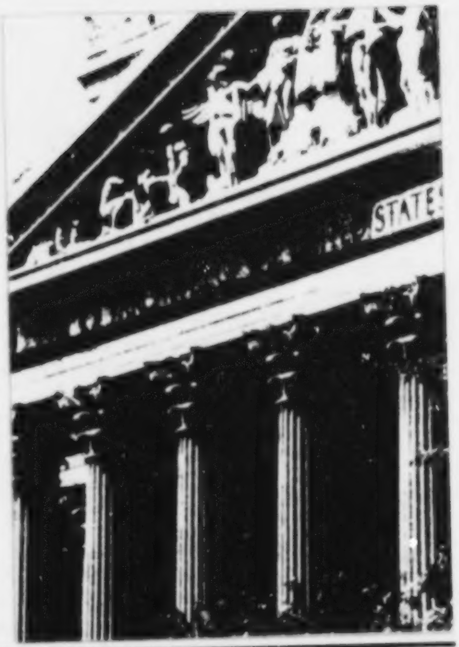

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AUTHORITY: 47 U.S.C. 154, 303 unless otherwise noted. Implement 5 U.S.C. 552, unless otherwise noted.

Subpart A—Organization

AUTHORITY: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

EDITORIAL NOTE: Nomenclature changes to Subpart A appear at 37 FR 19372, Sept. 20, 1972.

GENERAL

§ 0.1 The Commission.

The Federal Communications Commission is composed of five (5) members who are appointed by the president subject to confirmation by the Senate. Normally, one Commissioner is appointed or reappointed each year, for a term of five (5) years.

[53 FR 29054, Aug. 2, 1988]

§ 0.3 The Chairman.

(a) One of the members of the Commission is designated by the President to serve as Chairman, or chief executive officer, of the Commission. As Chairman, he has the following duties and responsibilities:

(1) To preside at all meetings and sessions of the Commission.

(2) To represent the Commission in all matters relating to legislation and legislative reports; however, any other Commissioner may present his own or minority views or supplemental reports.

(3) To represent the Commission in all matters requiring conferences or communications with other governmental officers, departments or agencies.

(4) To coordinate and organize the work of the Commission in such a manner as to promote prompt and efficient disposition of all matters within the jurisdiction of the Commission.

(b) The Commission will, in the case of a vacancy in the Office of the Chairman of the Commission, or in the absence or inability of the Chairman to serve, temporarily designate one of its members to act as Chairman until the cause or circumstance requiring such designation has been eliminated or corrected.

[32 FR 10569, July 19, 1967]

§ 0.5 General description of Commission organization and operations.

(a) *Principal staff units.* The Commission is assisted in the performance of its responsibilities by its staff, which is divided into the following principal units:

(1) Office of Managing Director.
(2) Office of Engineering and Technology.
(3) Office of General Counsel.
(4) Office of Plans and Policy.
(5) Office of Public Affairs.
(6) Office of Legislative Affairs.
(7) Office of Administrative Law Judges.
(8) Review Board.
(9) Office of Inspector General.
(10) Mass Media Bureau.
(11) Common Carrier Bureau.
(12) Private Radio Bureau.
(13) Office of International Communications.

(b) Staff responsibilities and functions. The organization and functions of these major staff units are described in detail in §§ 0.11 through 0.161. The defense and emergency preparedness functions of the Commission are set forth separately, beginning at § 0.181. For a complete description of staff functions, reference should be made to those provisions. (See also the U.S. Government Organization Manual, which contains a chart showing the Commission's organization, the names of the members and principal staff officers of the Commission, and other information concerning the Commission.)

(c) *Delegations of authority to the staff.* Pursuant to section 5(d) of the Communications Act, the Commission has delegated authority to its staff to act on matters which are minor or routine or settled in nature and those in which immediate action may be necessary. See Subpart B of this part. Actions taken under delegated authority are subject to review by the Commission, on its own motion or on an application for review filed by a person aggrieved by the action. Except for the possibility of review, actions taken under delegated authority have the same force and effect as actions taken by the Commission. The delegation of authority to a staff officer, however, does not mean that he will exercise that authority in all matters subject to the delegation. In non-hearing matters, the staff is at liberty to refer any matter at any stage to the Commission for action, upon concluding that it involves matters warranting the Commission's consideration, and the Commission may instruct the staff to do so. In like manner, in hearing cases, pursuant to § 0.361(b) and (c), the Commission may direct that matters pending before the Review Board be certified to the Commission for decision, and the Board may itself certify such matters to the Commission, with a request that they be acted upon by the Commission.

(d) *Commission action.* Matters requiring Commission action, or warranting its consideration, are dealt with by the Commission at regular monthly meetings, or at special meetings called to consider a particular matter. Meetings are normally held at the principal offices of the Commission in the District of Columbia, but may be held elsewhere in the United States. In appropriate circumstances, Commission action may be taken between meetings "by circulation", which involves the submission of a document to each of the Commissioners for his approval.

(Secs. 4(i), 303(r) and 5(c)(1), Communications Act of 1934, as amended; 47 CFR 0.61 and 0.283)

[32 FR 10569, July 19, 1967; as amended at 55 FR 1676, Jan. 18, 1990; 55 FR 6797, Feb. 27, 1990]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 0.5, see the List of CFR Sections Affected in the Finding Aids section of this volume.

OFFICE OF MANAGING DIRECTOR

§ 0.11 Functions of the Office.

(a) The Managing Director is appointed by the Chairman with the approval of the Commission. Under the supervision and direction of the Chairman, the Managing Director shall serve as the Commission's chief operating and executive official with the following duties and responsibilities:

(1) Provide managerial leadership to and exercise supervision and direction over the Commission's Bureaus and Offices with respect to management and administrative matters but not substantive regulatory matters such as regulatory policy and rule making, authorization of service, administration of sanctions, and adjudication.

(2) Formulate and administer all management and administrative policies, programs, and directives for the Commission consistent with authority delegated by the Commission and the Chairman and recommend to the Chairman and the Commission major changes in such policies and programs.

(3) Assist the Chairman in carrying out the administrative and executive responsibilities delegated to the Chairman as the administrative head of the agency.

(4) Advise the Chairman and Commission on management, administrative, and related matters; review and evaluate the programs and procedures of the Commission; initiate action or make recommendations as may be necessary to administer the Communications Act most effectively in the public interest. Assess the management, administrative, and resource implications of any proposed action or decision to be taken by the Commission or by a Bureau or Office under delegated authority; recommend to the Chairman and Commission program priorities, resource and position allocations, management, and administrative policies.

(5) Plan and administer the Commission's Management by Objectives system. Assure that objectives, priorities, and action plans established by Bureaus and Offices are consistent with overall Commission objectives and priorities.

(6) Plan and administer the Commission's Program Evaluation System. Ensure that evaluation results are utilized in Commission decision-making and priority-setting activities.

(7) Direct agency efforts to improve management effectiveness, operational efficiency, employee productivity, and service to the public. Administer Commission-wide management programs.

(8) Plan and manage the administrative affairs of the Commission with respect to the functions of personnel and position management; labor-management relations; budget and financial management; information management and processing; organization planning; management analysis; procurement; office space management and utilization; administrative and office services; supply and property management; records management; personnel and physical security; and international telecommunications settlements.

(9) Serve as the principal operating official on *ex parte* matters involving restricted proceedings. Review and dispose of all *ex parte* communications received from the public and others. In consultation with the General Counsel, approve waivers of the applicability of the conflict of interest statutes pursuant to 18 U.S.C. 205 and 208, or initiate necessary actions where other resolutions of conflicts of interest are called for.

(10) Under the general direction of the Defense Commissioner, coordinate the defense activities of the Commission, including recommendation of national emergency plans and preparedness programs covering Commission licensees and planning for continuity of essential Commission functions during national emergency conditions. Support the Chief, Common Carrier Bureau on matters involving assignment of Telecommunications Service Priority System priorities and in the administration of that System. Act as FCC Defense Coordinator and principal to the National Communications System.

(11) With the concurrence of the General Counsel, interpret rules and regulations pertaining to fees.

(12) Ensure that the resource and administrative aspects of the Commission's international activities are fully coordinated with other Commission programs and functions. Formulate and administer all management and administrative policies and programs for international communications activities on behalf of the Chairman and the Commission.

(b) The Secretary is the official custodian of the Commission's documents.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 59975, Dec. 8, 1981, as amended at 47 FR 41380, Sept. 20, 1982; 49 FR 45583, Nov. 19, 1984; 50 FR 27953, July 9, 1985; 53 FR 29054, Aug. 2, 1988; 53 FR 47536, Nov. 23, 1988; 54 FR 152, Jan. 4, 1989]

OFFICE OF INSPECTOR GENERAL

§ 0.13 Functions of the Office.

The Office of Inspector General is directly responsible to the Chairman as head of the agency. However, the Chairman may not prevent or prohibit the Office of Inspector General from carrying out its duties and responsibilities as mandated by the Inspector General Act Amendments of 1988 (Pub. L. 100-504) and the Inspector General Act of 1978 (5 U.S.C. Appendix 3), as amended. The Office has the following duties and responsibilities.

(a) Provide policy direction for and to conduct, supervise and coordinate audits and investigations relating to the programs and operations of the Federal Communications Commission.

(b) Review existing and proposed legislation and regulations relating to programs and operations of the Commission and to make recommendations in its required semiannual reports to Congress concerning the impact of such legislation or regulations on the economy and efficiency in the administration of these programs and operations, or the prevention and detection of fraud and abuse in such programs and operations.

(c) Recommend policies and conduct or coordinate other activities to promote economy and efficiency in the administration of Commission programs, or detect and prevent fraud and abuse in Commission activities. Coordinate with other governmental agencies and non-governmental entities on these matters.

(d) Keep the Chairman of the Commission—and through him the other Commissioners—and the Congress fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of Commission programs and operations; recommend corrective action and report on the progress made in implementing such corrective action. In addition to providing the Chairman with the results of completed audits and inspections, the Inspector General shall prepare statutorily required reports, identified as such, to include:

(1) Semiannual reports summarizing activities of the office during the preceding six month period (due to the Chairman by April 30 and October 31);

(2) Special reports specifically identifying any serious or flagrant problems, abuses or deficiencies (due to the Chairman immediately upon discovery of these matters by the Inspector General).

[54 FR 15194, Apr. 17, 1989]

OFFICE OF PUBLIC AFFAIRS

§ 0.15 Functions of the Office.

The Office of Public Affairs is directly responsible to the Commission. The Office has the following duties and responsibilities:

(a) Develop, recommend, coordinate and administer Commission objectives, plans and programs to enhance public understanding of and compliance with the Commission's regulatory requirements. Evaluate public information dissemination practices and develop methods of improving these practices.

(b) Act as the principal channel for communicating information to the news media, regulated industries, and the general public on Commission policies, programs, and activities. Make official announcements of Commission decisions and actions. Maintain liaison with the information media to facilitate the dissemination of news and information on FCC activities. Advise the Commission on public reaction to and comment on FCC policies and programs.

(c) Develop, recommend, coordinate and administer objectives, plans and programs to encourage participation by the public in the Commission's decision-making processes. Promote increased awareness within the Commission of the impact of Commission policies on the ability of consumers of communications services to participate in decisions that affect them. Evaluate the effectiveness of mechanisms developed and used to facilitate public input and develop new initiatives as appropriate.

(d) Serve as the Commission's primary point of contact with individual consumers of communications services and with organizations of such consumers. Maintain liaison with consumers to facilitate an interchange of information and cooperative efforts to improve the Commission's information-gathering, policy-making, and information dissemination functions.

(e) Act as the principal point of public contact in disseminating information about Commission programs to promote equal employment opportunity and minority enterprise in Commission-regulated industries. Maintain liaison with industry representatives, women's and minority groups and other interested parties regarding public information about and public evaluation of these programs. Organize FCC seminars and serve as FCC spokesperson to outside organizations on these subjects.

(f) Develop and implement programs to assist in providing information to minority entrepreneurs engaged in or seeking to participate in telecommunications industries regulated by the Commission.

(g) Review Commission contract procurement policy to devise ways of increasing information about proposed Commission contracts received by minority contractors.

(h) Advise the Commission on its information dissemination and public participation policies, as they affect liaison with the information media, the public and the Commission's regulatees. Provide policy and program guidance to the bureaus and offices on these subjects based on feedback received through the information dissemination functions of the Office.

(i) Maintain liaison with the Field Operations Bureau regarding the press and news media, and consumer assistance and information activities of the Commission's field offices.

(Secs. 4, 5, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 155, 303)

[44 FR 12425, Mar. 7, 1979, as amended at 44 FR 70471, Dec. 7, 1979; 50 FR 2985, Jan. 23, 1985; 52 FR 42438, Nov. 5, 1987]

OFFICE OF LEGISLATIVE AFFAIRS

§ 0.17 Functions of the Office.

The Office of Legislative Affairs is directly responsible to the Commission. The Office has the following duties and responsibilities:

(a) Advise and make recommendations to the Commission with respect to legislation proposed by members of Congress or the Executive Branch and coordinate the preparation of Commission views thereon for submission to Congress or the Executive Branch.

(b) Coordinate with the Office of General Counsel responses to Congressional or Executive Branch inquiries as to the local ramifications of Commission policies, regulations, rules, and statutory interpretations.

(c) Assist the Office of the Managing Director in preparation of the annual report to Congress, the Commission budget and appropriations legislation to Congress; assist the Office of Public Affairs in preparation of the Commission's Annual Report.

(d) Assist the Chairman and Commissioners in preparation for, and the coordination of their appearances before the Committees of Congress.

(e) Coordinate the annual Commission legislative program.

(f) Coordinate Commission and staff responses to inquiries by individual members of Congress, congressional committees and staffs.

[52 FR 42438, Nov. 5, 1987]

OFFICE OF PLANS AND POLICY

§ 0.21 Functions of the Office.

The Office of Plans and Policy, as a staff office to the Commission, assists, advises and makes recommendations to the Commission with respect to the development and implementation of communications policies in all areas of Commission authority and responsibility. A principal function of the Office is to conduct independent policy analyses to assess the long-term effects of alternative Commission policies on domestic and international communication industries and services, with due consideration of the responsibilities and programs of other staff units, and to recommend appropriate Commission action. The Office is also responsible for coordinating the policy research and development activities of other staff units, with special concern for matters which transcend their individual areas of responsibility. The Office is composed of legal, engineering, economic, and sociological policy analysts and other personnel, and is headed by a chief having the following duties and responsibilities:

(a) To identify and define significant communications policy issues in all areas of Commission interest and responsibility;

(b) To conduct technical, economic, and sociological impact studies of existing and proposed communications policies and operations, including cooperative studies with other staff units and consultant and contract efforts as appropriate;

(c) To develop and evaluate alternative policy options and approaches for consideration by the Commission;

(d) To review and comment on all significant actions proposed to be taken by the Commission in terms of their overall policy implications;

(e) To recommend and evaluate governmental (state and federal), academic, and industry sponsored research affecting Commission policy issues;

(f) To prepare briefings, position papers, proposed Commission actions, or other agenda items as appropriate;

(g) To manage the Commission's policy research program, recommend budget levels and priorities for this program, and serve as central account manager for all contractual policy research studies funded by the Commission;

(h) To coordinate the formation and presentation of Commission positions in domestic communications policy; represent the Commission at appropriate interagency discussions and conferences.

(i) To participate in the development of international communications policy with the Office of Engineering and Technology, as appropriate; provide representation at international meetings when appropriate.

(j) Develop and recommend procedures and plans for the effective handling of policy issues within the Commission.

[38 FR 17005, June 28, 1973, as amended at 45 FR 25400, Apr. 15, 1980; 51 FR 12615, Apr. 14, 1986]

OFFICE OF ENGINEERING AND TECHNOLOGY

§ 0.31 Functions of the Office.

The Office of Engineering and Technology has the following duties and responsibilities:

(a) To evaluate evolving technology for interference potential and to suggest ways to facilitate its introduction in response to Bureau initiatives, and advise the Commission and staff offices in such matters.

(b) Represent the Commission at various national and international conferences and meetings devoted to the progress of communications and the development of technical and other information and standards, and serve as Commission coordinator for the various national conferences when appropriate.

(c) To conduct scientific and technical studies in advanced phases of terrestrial and space communications, and special projects to obtain theoretical and experimental data on new or improved techniques.

(d) To advise the Commission concerning engineering matters, including the privacy and security of communications, involved in making or implementing policy or in resolving specific cases.

(e) To develop and implement procedures to acquire, store, and retrieve scientific and technical information useful in the engineering work of the Commission.

(f) To advise and represent the Commission on frequency allocation and spectrum usage matters, including those covered by international agreements.

(g) To render, in cooperation with the General Counsel and the Office of Plans and Policy, advice to the Commission, participate in and coordinate staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single bureau, and render service and advice with respect to rule making matters and proceedings affecting more than one Bureau.

(h) To collaborate with and advise other Bureaus and Offices in the formulation of technical requirements of the Rules.

(i) To administer Parts 2, 5, 15, and 18 of this chapter, including licensing, recordkeeping, and rule making.

(j) To perform all engineering and management functions of the Commission with respect to formulating rules and regulations, technical standards, and general policies for Parts 15 and 18 of this chapter, and for type approval and acceptance, and certification of radio equipment for compliance with the Rules.

(k) To maintain liaison with other agencies of government, technical experts representing foreign governments, and members of the public and industry concerned with communications and frequency allocation and usage.

(l) To calibrate and standardize technical equipment and installations used by the Commission.

(m) To exercise authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

[45 FR 28718, Apr. 30, 1980, as amended at 46 FR 45342, Sept. 11, 1981; 51 FR 12615, Apr. 14, 1986]

OFFICE OF GENERAL COUNSEL

§ 0.41 Functions of the Office.

The Office of the General Counsel has the following duties and responsibilities:

(a) To advise and represent the Commission in matters of litigation.

(b) To advise and make recommendations to the Commission with respect to proposed legislation and submit agency views on legislation when appropriate.

(c) To participate in international conferences and in the implementation of international agreements.

(d) To interpret the statutes, international agreements, and international regulations affecting the Commission.

(e) To prepare and make recommendations and interpretations concerning procedural rules of general applicability and to review all rules for consistency with other rules, uniformity, and legal sufficiency.

(f) To conduct research in legal matters as directed by the Commission.

(g) In cooperation with the Chief Engineer, to participate in, render advice to the Commission, and coordinate the staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single bureau, and to render advice with respect to rule making matters and proceedings affecting more than one bureau.

(h) To perform all legal functions with respect to experimental operations under Part 5 of this chapter; the operation of restricted radiation devices under Parts 15 and 18 of this chapter; and type approval and type acceptance of radio equipment.

(i) To exercise such authority as may be assigned or referred to it by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

(j) To cooperate with the Common Carrier Bureau and the Office of Engineering and Technology on all matters pertaining to space satellite communications.

(k) To study the licensing practices of patentees and assignees in communications services regulated by the Commission, particularly in situations referred to it by the Office of Engineering and Technology; and, in collaboration with the Office of Engineering and Technology, to develop appropriate recommendations for Commission action.

(l) To interpret statutes and executive orders affecting the Commission's national defense responsibilities, and to perform such functions involving implementation of such statutes and executive orders as may be assigned to it by the Commission or the Defense Commissioner.

(m) To perform all legal functions with respect to leases, contracts, tort claims and such other internal legal problems as may arise.

(n) To issue written determinations on behalf of the Chairman, and otherwise act as the Chairman's designee on matters regarding the interception of telephone conversations, as required by the General Services Administration's regulations. 41 CFR 201-6.202 *et seq.*

(o) To advise the Commission in the preparation and revision of rules and the implementation and administration of the Freedom of Information, Privacy, and Sunshine Acts.

(p) To assist and make recommendations to the Commission and to individual Commissioners designed to review initial decisions as to the disposition of cases of adjudication and such other cases as, by Commission policy, are handled in the same manner and which have been designated for hearing.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

[28 FR 12392, Nov. 22, 1963; 37 FR 19372, Sept. 20, 1972, as amended at 40 FR 17253, Apr. 18, 1975; 43 FR 29006, July 5, 1978; 44 FR 39179, July 5, 1979; 46 FR 57050, Nov. 20, 1981; 49 FR 47604, Dec. 6, 1984; 50 FR 2985, Jan. 23, 1985; 50 FR 49048, Nov. 29, 1985; 51 FR 12615, Apr. 14, 1986]

OFFICE OF INTERNATIONAL COMMUNICATIONS

§ 0.51 Functions of the Office.

The Office of International Communications has the following duties and responsibilities:

(a) Provide coordination among Bureaus and Offices with regard to development and representation of international policy and participation in international conferences.

(b) Coordinate Commission collection and dissemination of information on communications and telecommunications policy, regulatory, and market developments by other countries and international organizations.

(c) Coordinate Commission briefings on international telecommunications matters.

(d) Work with the Office of Legislative Affairs to coordinate Commission international activities on significant matters with appropriate Congressional offices.

(e) Coordinate and maintain liaison with key officials of other governments and international organizations.

(f) Advise the Chairman and Commissioners on international policy matters.

(g) Advise the Commission on the adequacy of Commission actions to promote the vital interest of the American public in commerce, defense and foreign policy.

[55 FR 1676, Jan. 18, 1990]

MASS MEDIA BUREAU

§ 0.61 Functions of the Bureau.

The Mass Media Bureau develops, recommends and administers policies and programs for the regulation of all radio and television broadcast industry services. Advises and recommends to the Commission, or acts for the Commission under delegated authority, in matters pertaining to the regulation and development of radio and television services. The Mass Media Bureau has the following duties and responsibilities:

(a) Process applications for authorizations in radio and television services, including conventional and auxiliary broadcast services, direct broadcast satellite services and cable television relay services.

(b) Administer U.S. responsibilities under international agreements and treaty obligations pertaining to broadcasting.

(c) Process applications for renewal of licenses and for assignment or transfer of ownership interests in such licenses.

(d) Participate in hearings before the Administrative Law Judges, the Review Board and the Commission.

(e) Plan and develop proposed rulemakings and conduct comprehensive studies and analyses (legal, engineering, social and economic) of various petitions for policy or rule changes submitted by industry or the public.

(f) Conduct studies and compile data relating to radio and television network operations necessary for the Commission to develop and maintain an adequate regulatory program.

(g) Investigate complaints and answer general inquiries from the public and handle political broadcasting and fairness doctrine complaints.

(h) Develop, recommend, implement, and administer policies and programs with respect to the regulation of cable television systems and related private microwave radio facilities.

(i) Process applications for compensation submitted pursuant to Subpart M, Part 1 of this chapter.

[47 FR 47829, Oct. 28, 1982, as amended at 49 FR 12271, Mar. 29, 1984]

COMMON CARRIER BUREAU

§ 0.91 Functions of the Bureau.

The Common Carrier Bureau develops, recommends and administers policies and programs for the regulation of services, facilities, rates and practices of entities (excluding public coast stations in the maritime mobile service) which furnish interstate or foreign communications service for hire—whether by wire, radio, cable or satellite facilities—and of ancillary operations related to the provisions or use of such services. The Bureau also regulates the rates, terms, and conditions for cable television and pole attachments, where such attachments are not regulated by a state and not provided by railroads or governmentally— or cooperatively owned utilities. The Bureau also performs the following specific functions:

(a) Advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in matters pertaining to the regulation and licensing of communications common carriers and ancillary operations. This includes: Policy development and coordination; adjudicatory and rule making proceedings, including rate and service investigations; determinations regarding lawfulness of carrier tariffs; action on applications for service, facility and radio authorizations; review of carrier performance; economic research and analysis; administration of Commission accounting and reporting requirements; compliance and enforcement activities.

(b) Participates in all phases of international conferences concerning common carrier and related matters and in the implementation of international agreements.

(c) Collaborates with representatives of state regulatory commissions and with the National Association of Regulatory Utility Commissioners in cooperative studies of common carrier and related matters.

(d) Advises the Commission on policy and technical matters regarding the use of satellites and related facilities for both common carrier and ancillary communications services.

(e) Advises and assists the public, other government agencies and industry groups on common carrier regulation and related matters.

(f) Exercises such authority as may be assigned or referred to it by the Commission pursuant to Section 5(d) of the Communications Act of 1934, as amended.

(g) Obtains from carriers and from persons directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objectives for which it was created.

(h) Carries out the functions of the Commission under the Communications Act of 1934, as amended, except as reserved to Commission under § 0.291.

(i) Acts jointly with the Office of Engineering and Technology on applications for registration of equipment to be directly connected to the telephone network, and acts on complaints brought by any party concerning the registration or operation of such equipment.

(j) Acts upon complaints involving cable television pole attachments, except for final action on complaints raising novel or unusual issues.

(k) Acts on matters affecting public coast stations in the maritime service which concern tariffs, terms of interconnection, rate or economic analysis, and applications for closure pursuant to section 214 of the Communications Act.

(l) Administers the Telecommunications Service Priority System with the concurrence of the Office of the Managing Director, and resolves matters involving assignment of priorities and other issues pursuant to Part 64 of the rules.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[39 FR 28435, Aug. 7, 1974, as amended at 40 FR 7451, Feb. 20, 1975; 41 FR 7751, Feb. 20, 1976; 42 FR 42341, Aug. 23, 1977; 43 FR 36094, Aug. 15, 1978; 44 FR 39179, July 5, 1979; 45 FR 71569, Oct. 29, 1980; 48 FR 23431, May 25, 1983; 50 FR 26567, June 27, 1985; 51 FR 12615, Apr. 14, 1986; 53 FR 47536, Nov. 28, 1988; 54 FR 152, Jan. 4, 1989]

FIELD OPERATIONS BUREAU

§ 0.111 Functions of the Bureau.

Responsible for all Commission engineering activities performed in the field relating to radio stations and wire facilities including enforcement activities (inspection, investigation, monitoring), radio operator examination and licensing, interference suppression, and communications user liaison.

(a) Enforce the Commission's rules and regulations; monitor, inspect, and investigate all non-government communications matters.

(b) Advise the Commission and act in matters pertaining to the enforcement of the Commission's rules and regulations, licensing of commercial radio operators (Part 13), marking and lighting of antenna towers (Part 17), and field liaison with the user public and local and federal government agencies (Part 0).

(c) Participate in international conferences dealing with monitoring and measurements; serve as the point of contact for the United States government in matters of international monitoring, fixed and mobile direction finding, and interference elimination.

(d) Reduce or eliminate interference to authorized communications.

(e) Develop and implement Bureau-wide management programs; prepare consolidated budget estimates and justifications for the Bureau; develop and control execution of operating budgets and financial plans.

(f) Develop and implement Bureau plans for personnel management and organization planning; maintain personnel records; coordinate external management surveys, studies, and audits of Bureau operations; conduct or coordinate internal studies of systems and procedures.

(g) Plan and coordinate requirements for administrative support services such as space and printing.

(h) Develop overall policies, programs, objectives, and priorities (budget year and beyond) for all programs and activities; review program performance, accomplishments, and effectiveness; recommend changes in policies, programs, objectives, and priorities.

(i) Analyze short and long-term technical developments and the impact of predicted growth of existing and new telecommunications services on mission and workload; recommend changes in field enforcement and public service techniques and organization to maximize bureau mission accomplishment; develop plans to integrate new and revised requirements for field enforcement and public service activities into current and future programs.

(j) Recommend legislation and rule changes pertaining to the field enforcement and public service programs; review legislation and rulemaking proposals initiated by other offices with a potential impact on field enforcement and public service operations; determine impact in terms of enforcement techniques and organization, workload, and resource requirements.

(k) Provide projections of future requirements for technical equipment and real property requirements to support field enforcement and public service activities.

(l) Maintain liaison with other agencies and communications users on matters concerning program development and evaluation.

[48 FR 37413, Aug. 18, 1983]

§ 0.121 Location of field installations.

(a) Field offices are located throughout the United States. For the address and phone number of the closest office contact the Field Operations Bureau or see the U.S. Government Manual.

(b) Protected field offices are located at the following geographical coordinates:

Allegan, Michigan
42</d>36'20" N. Latitude

85</d>57'20" W. Longitude
Anchorage, Alaska
61</d>09'43" N. Latitude
149</d>59'55" W. Longitude
Belfast, Maine
44</d>26'42" N. Latitude
69</d>04'58" W. Longitude
Canandaigua, New York
42</d>54'48" N. Latitude
77</d>15'59" W. Longitude
Douglas, Arizona
31</d>30'02" N. Latitude
109</d>39'12" W. Longitude
Ferndale, Washington
48</d>57'21" N. Latitude
122</d>33'13" W. Longitude
Grand Island, Nebraska
40</d>55'21" N. Latitude
98</d>25'42" W. Longitude
Kingsville, Texas
27</d>26'29" N. Latitude
97</d>53'00" W. Longitude
Laurel, Maryland
39</d>09'54" N. Latitude
76</d>49'17" W. Longitude
Livermore, California
37</d>43'30" N. Latitude
121</d>45'12" W. Longitude
Powder Springs, Georgia
33</d>51'44" N. Latitude
84</d>43'26" W. Longitude
Sabana Seca, Puerto Rico
18</d>27'23" N. Latitude
66</d>13'37" W. Longitude
Santa Isabel, Puerto Rico
18</d>00'26" N. Latitude
66</d>22'32" W. Longitude
Vero Beach, Florida
27</d>36'21" N. Latitude
80</d>38'06" W. Longitude
Waipahu, Hawaii
21</d>22'45" N. Latitude
157</d>59'54" W. Longitude

[53 FR 29054, Aug. 2, 1988]

PRIVATE RADIO BUREAU

§ 0.131 Functions of the Bureau.

The Private Radio Bureau develops, recommends, and administers policies and programs for the development and regulation of the Private Radio Services. These services include nationwide and international uses of radio by persons, businesses, state and local governments, and other organizations licensed to operate their own communications systems for their own use as an adjunct of their primary business or other activity. This program includes, among others (1) the compulsory use of radio for safety at sea purposes, and (2) the regulation of public coast stations. The Bureau performs the following functions:

(a) Advises and makes recommendations to the Commission and acts for the Commission in matters pertaining to the regulation and development of the Private Radio Services. These matters include: Rulemaking, waivers of rules, action on applications for authorizations, adjudicative hearings, enforcement activities, legislation, and defense matters.

(b) Participates in treaty activities and all phases of international conferences concerning the Private Radio Services.

(c) Conducts studies of frequency requirements in the Private Radio Services; recommends allocations of frequencies and drafts frequency assignment plans for these services.

(d) Studies technical requirements for equipment for the Private Radio Services in accordance with standards established by the Chief Engineer.

(e) Collaborates and coordinates with Federal and State Government agencies in matters involving the Private Radio Services.

(f) Advises and assists members of industry and user groups interested in the Private Radio Services.

(g) Certifies frequency coordinators in the Private Land Mobile Radio Services, considers petitions seeking review of coordinator actions, and engages in oversight of coordinator actions and practices.

[31 FR 6832, May 7, 1966, as amended at 44 FR 39179, July 5, 1979; 45 FR 25399, Apr. 15, 1980; 51 FR 12615, Apr. 14, 1986; 51 FR 14995, Apr. 22, 1986]

OFFICE OF ADMINISTRATIVE LAW JUDGES

§ 0.151 Functions of the Office.

The Office of Administrative Law Judges consists of a Chief Administrative Law Judge, an Assistant Chief Administrative Law Judge, and as many other Administrative Law Judges qualified and appointed pursuant to the requirements of section 11 of the Administrative Procedure Act as the Commission may find necessary. It is responsible for hearing and conducting all adjudicatory cases designated for any evidentiary adjudicatory hearing other than those designated to be heard by the Commission en banc or by one or more members of the Commission, and for such other hearings as the Commission may assign.

[28 FR 12392, Nov. 22, 1963]

REVIEW BOARD

§ 0.161 Functions of the Board.

The Review Board is a permanent body with continuing functions, composed of three or more Commission employees designated by the Commission. The Board reviews initial decisions and other hearing matters referred to it by the Commission, and performs such additional duties not inconsistent with these functions as may be assigned to it by the Commission.

[41 FR 14870, Apr. 8, 1976]

DEFENSE AND EMERGENCY PREPAREDNESS FUNCTIONS

§ 0.181 The Defense Commissioner.

A Defense Commissioner and two Alternate Defense Commissioners are designated by the Commission. The Defense Commissioner directs the defense activities of the Commission and has the following duties and responsibilities:

(a) To keep the Commission informed as to significant developments in the field of emergency preparedness, defense mobilization, and any defense activities that involve formulation or revision of Commission policy in any area of responsibility of the Commission.

(b) To represent the Commission in national defense matters requiring conferences or communications with other governmental officers, departments, or agencies.

(c) To act as the Defense Coordinator in representations with other agencies with respect to planning for the continuity of the essential functions of the Commission under national emergency conditions, and to serve as the principal representative of the Commission to the Interagency Emergency Planning Committee of the Federal Preparedness Agency/General Services Administration.

(d) To serve as the principal representative of the Commission to the Interagency Civil Defense Committee of the Defense Civil Preparedness Agency of the Department of Defense.

(e) To serve as the principal point of contact for the Commission on all matters pertaining to the National Communications System.

(f) To take such measures as will assure continuity of the Commission's functions under any foreseeable circumstances with a minimum of interruption.

(g) In the event of enemy attack, or the imminent threat thereof, or other disaster resulting in the inability of the Commission to function at its offices in Washington, D.C., to assume all of the duties and responsibilities of the Commission and the Chairman, until relieved or augmented by other Commissioners or members of the staff, as set forth in §§ 0.186 and 0.383.

(h) To approve national emergency plans and develop preparedness programs covering: provision of service by common carriers; broadcasting facilities, and the safety and special radio services; radio frequency assignment; electromagnetic radiation; investigation and enforcement.

(i) To perform such other duties and assume such other responsibilities related to the Commission's defense activities as may be necessary for the continuity of functions and the protection of Commission personnel and property.

[29 FR 14664, Oct. 28, 1964, as amended at 41 FR 31209, July 27, 1976]

§ 0.182 Managing Director.

(a) Recommends national emergency plans and preparedness programs covering: Provision of service by common carriers, broadcasting facilities, and the safety and special radio services; radio frequency assignment; electromagnetic radiation; investigation and enforcement.

(b) Acts as Alternate Defense Coordinator in representations with other agencies with respect to planning for the continuity of the essential functions of the Commission under national emergency conditions.

(c) Serves as the alternate representative of the Commission to the Interagency Emergency Planning Committee of the Federal Preparedness

Agency/General Services Administration; serves as the alternate representative of the Commission to the Interagency Civil Defense Committee of the Defense Civil Preparedness Agency of the Department of Defense.

(d) Provides for the Executive Secretariat for the National Industry Advisory Committee.

(e) Keeps the Defense Commissioner informed as to significant developments in the field of emergency preparedness and related defense activities.

[41 FR 31209, July 27, 1976, as amended at 50 FR 27953, July 9, 1985]

§ 0.183 Emergency Communications Administration.

The Management Planning and Program Evaluation Office, Office of the Managing Director, coordinates the National Security and Emergency Preparedness (NSEP) activities of the Federal Communications Commission including Continuity of Government Planning and the Emergency Broadcasting System (EBS) and other such functions as may be delegated during a national emergency or activation of the President's war emergency powers as specified in section 706 of the Communications Act; maintains liaison with FCC Bureaus/ Offices, other government agencies, the telecommunications industry and FCC licensees on NSEP matters; and, as requested, represents the Commission at NSEP meetings and conferences.

[53 FR 29055, Aug. 2, 1988]

§ 0.185 Responsibilities of the bureaus and staff offices.

The heads of each of the several bureaus and staff offices, in rendering advice and assistance to the Managing Director in the performance of his duties with respect to defense activities will have the following duties and responsibilities:

(a) To keep the Managing Director informed of the instigation, progress, and completion of programs, plans, or activities with respect to defense in which they are engaged or have been requested to engage.

(b) To render assistance and advice to the Managing Director on matters which relate to the functions of their respective bureaus or staff offices.

(c) To render such assistance and advice to other agencies as may be consistent with the functions of their respective bureaus or staff offices and the Commission's policy with respect thereto.

(d) To perform such other duties related to the Commission's defense activities as may be assigned to them by the Commission.

[29 FR 14665, Oct. 28, 1964, as amended at 50 FR 27953, July 9, 1985]

§ 0.186 Emergency Relocation Board.

(a) As specified in the Commission's Continuity of Government Plan and consistent with the exercise of the War Emergency Powers of the President as set forth in section 706 of the Communications Act of 1934, as amended, an Emergency Relocation Board will be convened at the Commission's Headquarters or other relocation site designated to serve as Primary FCC Staff to perform the functions of the Commission following the announcement of national level mobilization of the Federal government by the President or other designated authority; in the absence of such announcement, immediately following receipt of an attack warning signal; or in the absence of either announcement or attack warning, immediately following an actual attack.

(b) The Board shall comprise such Commissioners as may be present and able to act. In the absence of the Chairman, the Commissioner present with the longest seniority in office will serve as acting Chairman. If no Commissioner is present and able to act, the person designated as next most senior official in the Commission's Continuity of Government Plan will head the Board.

[53 FR 29055, Aug. 2, 1988]

Subpart B—Delegations of Authority

AUTHORITY: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

EDITORIAL NOTE: Nomenclature changes to Subpart B appear at 37 FR 19372, Sept. 20, 1972.

GENERAL

§ 0.201 General provisions.

(a) There are three basic categories of delegations made by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended:

(1) *Delegations to act in non-hearing matters and proceedings.* The great bulk of delegations in this category are made to bureau chiefs and other members of the Commission's staff. This category also includes delegations to individual commissioners and to boards or committees of commissioners.

(2) *Delegations to rule on interlocutory matters in hearing proceedings.* Delegations in this category are made to the Review Board and to the Chief Administrative Law Judge.

NOTE: Interlocutory matters which are delegated neither to the Review Board nor to the Chief Administrative Law Judge are ruled on by the presiding officer by virtue of the authority vested in him to control the course and conduct of the hearing. This authority stems from section 7 of the Administrative Procedure Act and section 409 of the Communications Act rather than from delegations of authority made pursuant to section 5(d) of the Communications Act. (See §§ 0.218 and 0.341.)

(3) *Delegations to review an initial decision.* Delegations in this category are made to individual commissioners, to panels of commissioners or to the Review Board.

(b) Delegations are arranged in this subpart under headings denoting the person, panel, or board to whom authority has been delegated, rather than by the categories listed in paragraph (a) of this section.

(c) Procedures pertaining to the filing and disposition of interlocutory pleadings in hearing proceedings are set forth in §§ 1.291 through 1.298 of this chapter. Procedures pertaining to appeals from rulings of the presiding officer are set forth in § 1.301. Procedures pertaining to reconsideration of the presiding officer's rulings are set forth in § 1.303. Procedures pertaining to reconsideration and review of actions taken pursuant to delegated authority are set forth in §§ 1.101, 1.102, 1.104, 1.106, 1.113, 1.115, and 1.117. Procedures pertaining to exceptions to initial decisions are set forth in §§ 1.276–1.279.

(d) The Commission, by vote of a majority of the members then holding office, may delegate its functions either by rule or by order, and may at any time amend, modify, or rescind any such rule or order.

(1) Functions of a continuing or recurring nature are delegated by rule. The rule is published in the FEDERAL REGISTER and is included in this subpart.

(2) Functions pertaining to a particular matter or proceeding are delegated by order. The order is published in the FEDERAL REGISTER and associated with the record of that matter or proceeding, but neither the order nor any reference to the delegation made thereby is included in this subpart.

[28 FR 12402, Nov. 22, 1963, as amended at 50 FR 26567, June 27, 1985]

§ 0.203 Authority of person, panel, or board to which functions are delegated.

(a) The person, panel, or board to which functions are delegated shall, with respect to such functions, have all the jurisdiction, powers, and authority conferred by law upon the Commission, and shall be subject to the same duties and obligations.

(b) Except as provided in § 1.102 of this chapter, any action taken pursuant to delegated authority shall have the same force and effect and shall be made, evidenced, and enforced in the same manner as actions of the Commission.

[28 FR 12402, Nov. 22, 1963]

§ 0.204 The exercise of delegated authority.

(a) *Authority to issue orders and to enter into correspondence.* Any official (or group of officials) to whom authority is delegated in this subpart is authorized to issue orders (including rulings, decisions, or other action documents) pursuant to such authority and to enter into general correspondence concerning any matter for which he is responsible under this subpart or subpart A of this part.

(b) *Authority of subordinate officials.* Authority delegated to any official to issue orders or to enter into correspondence under paragraph (a) of this section may be exercised by that official or by appropriate subordinate officials acting for him.

(c) *Signature.* (1) A final decision of the Review Board is signed by the Board member responsible for its preparation.

(2) Other orders made by a committee, board or panel identify the body and are signed by the Secretary.

(3) Upon signing an order, the Secretary affixes the Commission's seal.

(4) General correspondence by a committee or board is signed by the committee or board chairman.

(5) All other orders and letters are signed by the official who has given final approval of their contents.

(6) With the exception of license forms requiring the signature of an appropriate official of the issuing bureau or office, license forms bear only the seal of the Commission.

(d) *Form of orders.* Orders may be issued in any appropriate form (e.g., as captioned orders, letters, telegrams) and may, if appropriate, be issued orally. Orders issued orally shall, if practicable, be confirmed promptly in writing.

(e) *Minutes entries.* Except as otherwise provided in this subpart, actions taken as provided in paragraph (d) of this section shall be recorded in writing and filed in the official minutes of the Commission.

[33 FR 8227, June 1, 1968, as amended at 38 FR 18550, July 12, 1973]

COMMISSIONERS

§ 0.211 Chairman.

The responsibility for the general administration of internal affairs of the Commission is delegated to the Chairman of the Commission. The Chairman will keep the Commission advised concerning his actions taken under this delegation of authority. This authority includes:

(a) Actions of routine character as to which the Chairman may take final action.

(b) Actions of non-routine character which do not involve policy determinations. The Chairman may take final action on these matters but shall specifically advise the Commission on these actions.

(c) Actions of an important character or those which involve policy determinations. In these matters the Chairman will develop proposals for presentation to the Commission.

(d) To act within the purview of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, upon tort claims directed against the Commission where the amount of damages does not exceed $5,000.

(e) Authority to act as "Head of the Agency" or "Agency Head" for administrative determinations required by Federal Procurement Regulations and Federal Management Circulars.

[28 FR 12402, Nov. 22, 1963, as amended at 41 FR 49095, Nov. 8, 1976; 51 FR 23550, June 30, 1986]

§ 0.212 Board of Commissioners.

(a) Whenever the Chairman or Acting Chairman of the Commission determines that a quorum of the Commission is not present or able to act, he may convene a Board of Commissioners. The Board shall be composed of all Commissioners present and able to act.

(b) The Board of Commissioners is authorized to act upon all matters normally acted upon by the Commission en banc, except the following:

(1) The final determination on the merits of any adjudicatory or investigatory hearing proceeding or of any rule making proceeding, except upon a finding by the Board that the public interest would be disserved by waiting the convening of a quorum of the Commission.

(2) Petitions for reconsideration of Commission actions.

(3) Applications for review of actions taken pursuant to delegated authority.

(c) The Board of Commissioners is authorized to act upon all matters normally acted upon by an individual Commissioner (when he or his alternates are not present or able to act) or by a committee of Commissioners (in the absence of a quorum of the committee).

(d) Actions taken by the Board of Commissioners shall be recorded in the same manner as actions taken by the Commission en banc.

(e) This section has no application in circumstances in which the Commission is unable to function at its offices in Washington, D.C. See §§ 0.181–0.186 and §§ 0.381–0.387.

[30 FR 9314, July 27, 1965]

§ 0.218 Authority of, and delegated to, an individual Commissioner or Commissioners.

(a) One or more members of the Commission may be designated to preside in a hearing proceeding. The Commissioner or Commissioners designated to preside at such a hearing shall fix the time and place of the hearing and shall act upon all motions, petitions or other matters which may arise while the proceeding is in hearing status.

(b) One or more members of the Commission may be designated to review an initial decision issued in any hearing case.

(c) Except for actions taken during the course of a hearing and upon the record thereof, actions taken by a Commissioner or Commissioners pursuant to the provisions of this section shall be recorded in writing and filed in the official minutes of the Commission.

[27 FR 7931, Aug. 10, 1962]

MANAGING DIRECTOR

§ 0.231 Authority delegated.

(a) The Managing Director, or his designee, is delegated authority to exempt Standard, FM, and Television broadcast licensees from the requirement of installing and maintaining the necessary equipment to receive Emergency Action Notifications and Terminations and arranging for either an associated listening watch, or automatic alarm, or both. (See § 73.922 of this chapter.)

(b) The Managing Director, or his designee, upon securing concurrence of the General Counsel, is delegated authority to execute in the name of the Commission all agreements pertaining to the loan of United States Government property to radio station licensees for national defense purposes.

(c) The Managing Director, or his designee, upon securing concurrence of the General Counsel, is delegated authority to act upon requests for waiver or deferral of fees established under Subpart G, Part 1 of this chapter.

(d) The Managing Director, or his designee, is delegated authority to make nonsubstantive, editorial revisions of the Commission's rules and regulations upon approval of the bureau or staff office primarily responsible for the particular part or section involved.

(e) The Managing Director, or his designee, in consultation with the General Counsel, is delegated authority to make determinations regarding and waive the applicability of section 4(b) of the Communications Act (47 U.S.C. 154(b)) and the Federal conflicts of interest statutes (18 U.S.C. 203, 205 and 208).

(f) The Managing Director, or his designee, upon securing the concurrence of the General Counsel, is delegated authority, within the purview of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, to grant tort claims directed against the Commission where the amount of the claim does not exceed $5,000. In addition thereto, the Managing Director, or his designee, upon securing the concurrence of the General Counsel, is delegated authority to act in the disposition of claims arising under the Military Personnel and Civilian Employees' Claims Act, as amended, 31 U.S.C. 3701 and 3721, where the amount of the claim does not exceed $6,500.

(g) The Managing Director is delegated authority to act as Head of the Procurement Activity and Contracting Officer for the Commission and to designate appropriate subordinate officials to act as Contracting Officers for the Commission. As Head of the Procurement Activity, the Managing Director will refer all appeals filed against final decisions regarding award of contracts to the Board of Contract Appeals of the General Services Administration for resolution. Appeals will be handled in accordance with the

Rules of the Board of Contract Appeals.

(h) The head of the Internal Control and Security Office, Office of the Managing Director, is delegated authority to act as the "designated agency ethics official" within the meaning of sections 206 and 209 (10) of the Ethics in Government Act of 1978, Pub. L. 95-521, 92 Stat. 1824 (1978).

(i) [Reserved]

(j) The Managing Director, after consultation with the Chairman shall establish, renew, and terminate all Federal advisory committees. He shall also exercise all management responsibilities under the Federal Advisory Committee Act as amended (Pub. L. No. 92-463, 5 U.S.C. App.).

(k) Pursuant to 39 U.S.C. 3220 and the guidelines prescribed pursuant thereto by the Office of Juvenile Justice and Delinquency Prevention, 50 FR 46622, the Managing Director shall take appropriate measures to ensure that approximately 35% of the penalty mail posted by the Commission contains print pictures and biographies relating to missing children. It is anticipated that the cost will be approximately $75 for the first year of implementation. The contact person for matters relating to the implementation of this section is the Chief, Printing and Mail Branch Office of Managing Director, 1919 M St., NW., Washington, DC 20554, (202) 632-7546.

(l) The Secretary, acting under the supervision of the Managing Director, serves as the official custodian of the Commission's documents and shall have authority to appoint a deputy or deputies for purposes of custody and certification of documents located in Gettysburg, Pennsylvania or other established locations.

CROSS REFERENCE: 47 CFR Part 19, Subpart E.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303; 18 U.S.C. 207(j); 39 U.S.C. 3220; Notice of Preliminary Guidelines issued by the Department of Justice, 50 FR 46622, November 8, 1985)

[29 FR 14666, Oct. 28, 1964]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 0.231, see the List of CFR Sections Affected in the Finding Aids section of this volume.

CHIEF ENGINEER

§ 0.241 Authority delegated.

(a) The performance of functions and activities described in § 0.31 of this part is delegated to the Chief Engineer: *Provided*, That the following matters shall be referred to the Commission en banc for disposition:

(1) Notices of proposed rulemaking and of inquiry and final orders in rulemaking proceedings, inquiry proceedings and non-editorial orders making changes. See § 0.231(d).

(2) Petitions for review of actions taken to delegated authority. See § 1.115 of this chapter.

(3) Petitions and other requests for waivers of the Commission's rules, whether or not accompanied by an applications, when such petitions or requests contain new or novel arguments not previously considered by the Commission or present facts or arguments which appear to justify a change in Commission policy.

(4) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission or preset facts or arguments which appear to justify a change in Commission policy.

(5) Any other petition, pleading or request presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(6) Proposed U.S. positions to be transmitted to the Department of State for international meetings of telecommunications entities.

(7) Any other complaint or enforcement matter presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(8) Authority to issue a notice of opportunity for hearing pursuant to § 1.80(g) of this chapter; and authority to issue notices of apparent liability, final forfeiture orders, and orders canceling or reducing forfeitures imposed under § 1.80(f) of this chapter, if the amount set out in the notice of apparent liability is more than $2,000.00.

(9) Proposed actions following any case remanded by the courts.

(b) The Chief Engineer is delegated authority to administer the Equipment Authorization program as described in Part 2 of the Commission's Rules.

(c) The Chief Engineer is delegated authority to administer the Experimental Radio Service program pursuant to Part 5 of the Commission's Rules.

(d) The Chief engineer is delegated authority to examine all applications for certification (approval) of subscription television technical systems as acceptable for use under a subscription television authorization as provided for in this chapter, to notify the applicant that an examination of the certified technical information and data submitted in accordance with the provisions of this chapter indicates that the system does or does not appear to be acceptable for authorization as a subscription television system. This delegation shall be exercised in consultation with the Chief, Mass Media Bureau.

(e) The Chief Engineer is authorized to dismiss or deny petitions for rulemaking which are repetitive or moot or which, for other reasons plainly do not warrant consideration by the Commission.

[51 FR 41106, Nov. 13, 1986]

§ 0.243 Authority delegated to the Chief Engineer upon securing concurrence of the General Counsel.

(a) The Chief Engineeer, upon securing concurrence of the General Counsel, is authorized to issue notices of apparent liability, final forfeiture orders, and orders canceling or reducing forfeitures imposed under § 1.80(f) of this chapter, in the amount of $2,000.00 or less; and is authorized to issue citations pursuant to § 1.80(d).

(1) Applications for construction permits for new stations.

(2) All requests for withdrawal of papers in accordance with § 1.8 of this chapter.

(3) Applications for consent to assignment and transfer of control of station authorizations.

(4) The extension of time previously ordered by the Commission within which transfers of control or assignment of licenses be effectuated.

(b) The Chief Engineer, upon securing concurrence of the General Counsel, is authorized to issue notices of apparent liability, final forfeiture orders, and orders canceling or reducing forfeitures imposed under § 1.80(f) of this chapter, in the amount of $2,000 or less; and is authorized to issue citations pursuant to § 1.80(d).

(c) The Chief Engineer, upon securing concurrence of the General Counsel, is delegated authority to act upon requests for waiver of the all-channel television receiver rules contained in Part 15 of this chapter where the receiver involved in such requests is an integral part of a hospital communications system. In such cases, a grant may be made when there is no danger of adversely affecting the audience potential of present or future UHF television stations, and benefits are to be derived from the grant of the requests.

(d) The Chief Engineer, upon securing concurrence of the General Counsel, is authorized to dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(e) The Chief Engineer, upon securing concurrence of the General Counsel, is authorized to dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

[28 FR 12402, Nov. 22, 1963, as amended at 29 FR 10585, July 20, 1964; 31 FR 3074, Feb. 24, 1966; 31 FR 4456, Mar. 16, 1966; 43 FR 52244, Nov. 9, 1978; 51 FR 12615, Apr. 14, 1986; 51 FR 41106, Nov. 13, 1986]

§ 0.247 Record of actions taken.

The application and authorization files and other appropriate files of the Office of Engineering and Technology are designated as the official minute entries of actions taken pursuant to §§ 0.241 and 0.243.

[33 FR 8228, June 1, 1968, as amended at 44 FR 39179, July 5, 1979; 51 FR 12615, Apr. 14, 1986]

GENERAL COUNSEL

§ 0.251 Authority delegated.

(a) [Reserved]

(b) Insofar as authority is not delegated to any other Bureau or Office, and with respect only to matters which are not in hearing status, the General Counsel is delegated authority to act upon requests for extension of time within which briefs, comments or pleadings may be filed.

(c) The General Counsel is delegated authority to dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(d) The General Counsel is delegated authority to dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

(e) The General Counsel is delegated authority to dismiss as repetitious any petition for reconsideration of a Commission order denying an application for review which fails to rely on new facts or changed circumstances.

(f) The General Counsel is delegated authority to act upon the following matters in hearing proceedings which are pending before the Commission en banc:

(1) Motions or petitions for extension of time.

(2) Pleadings which are moot.

(3) To dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(4) To issue orders, in accordance with Commission instructions, specifying or changing the day or hour of oral argument and the time allowed a party for oral argument.

(5) Requests for permission to file pleadings in excess of the length prescribed by the provisions of this chapter. See §§ 1.48 and 1.204 of this chapter.

(6) Unopposed motion by any party for dismissal or withdrawal of his own pleading.

(7) Petitions for leave to amend applications where no objection is raised to the acceptance of the amendment.

(8) To issue orders, as appropriate, requesting the filing of further pleadings.

(9) Pleadings which may be dismissed due to procedural defect, subject to being refiled in proper form within five days.

(10) To dismiss, as repetitious, any petition for reconsideration of a Commission order denying an application for review which fails to rely on new facts or changed circumstances.

(11) Petitions or requests for approval of settlement agreements among applicants in comparative hearings where the agreement resolving the conflict among the applications is unopposed and where there are no outstanding issues concerning the basic qualifications of the applicant who would receive a construction permit or a license upon approval of the agreement.

(g) The General Counsel is delegated authority in hearing proceedings to dismiss:

(1) Interlocutory appeals to the Commission of actions taken under delegated authority when the appeal is not authorized by the Commission's Rules.

(2) Requests for substantive relief by the Commission which the Commission may not grant because its jurisdiction over the proceeding has terminated.

(h) The official record of all actions taken by the General Counsel pursuant to § 0.251 (f) and (g) is contained in the original docket folder, which is maintained by the Secretary in the Dockets Branch.

(i) The General Counsel is delegated authority to issue written determinations on behalf of the Chairman, and otherwise act as the Chairman's designee on matters regarding the interception of telephone conversations, as required by the General Services Administration's regulations. 41 CFR 201-6.202 *et seq.*

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

[28 FR 12402, Nov. 22, 1963, as amended at 31 FR 3074, Feb. 24, 1966; 31 FR 4456, Mar. 16, 1966; 31 FR 11756, Sept. 8, 1966; 31 FR 13474, Oct. 19, 1966; 44 FR 60294, Oct. 19, 1979; 46 FR 57050, Nov. 20, 1981; 47 FR 16032, Apr. 14, 1982; 48 FR 57133, Dec. 28, 1983; 49 FR 47604, Dec. 6, 1984; 50 FR 85, Jan. 2, 1985; 50 FR 49048, Nov. 29, 1985]

OFFICE OF PLANS AND POLICY

§ 0.271 Authority delegated.

(a) Insofar as authority is not delegated to any other Bureau or Office, and with respect only to matters which are not in hearing status, the Chief, Office of Plans and Policy is delegated authority to deny requests or to extend the time within which comments may be filed in dockets over which the Office of Plans and Policy has primary authority.

[45 FR 10347, Feb. 15, 1980]

CHIEF, MASS MEDIA BUREAU

§ 0.283 Authority delegated.

The performance of functions and activities described in § 0.61 of this part is delegated to the Chief, Mass Media Bureau: Provided, That the following matters shall be referred by the Chief, Mass Media Bureau to the Commission en banc for disposition:

(a) *Applications.* Formal and informal applications for new or modified facilities, and for the renewal, assignment, and transfer of construction permits and licenses involving such facilities, when such applications fail to satisfy the requirements of Commission rules or established Commission policy in the following areas of special concern:

(1) *Multiple ownership, concentration of control, and cross-interests.* (i) Acquisition of a third broadcast station or modification of facilities if such would result in the common ownership of three broadcast stations where any two are within 100 miles of a third and primary service contour overlap would occur; "one-to-a-market" situations involving UHF stations or TV satellite stations; and duopoly situations involving TV satellite stations. (Commonly owned AM and FM stations in the same market are treated as one station for the purpose of the "third station" limitations.)

(ii) Acquisition of a broadcast station by a newspaper in the same area, or other organization having substantial interests in the print media in the same area.

(iii) Creation of common ownership interests, management ties, or employment relationships between licensees serving substantial common areas and populations. Commonality of areas and populations served shall be determined in duopoly situations by overlap of the following service contours: AM—1 mVm; FM—1 mVm; and TV—Grade B. In "one-to-a-market" situations, commonality of areas and populations served shall be determined by community encompassment with the following service contours: AM—2 mVm; FM—1 mVm, and TV—Grade A.

(iv) Acquisition of broadcast properties by corporations or individuals appearing to dominate the economic life of the community.

(2) *Anti-trust activity, unfair trade practices, and violations of law not previously considered by the Commission.* (i) Proposals by applicants against whom communications-related anti-trust suits are pending or against whom there is pending any anti-trust suit in which an adverse verdict has been reached.

(ii) Proposals by applicants who have entered into a consent decree, have pleaded guilty or nolo contendere, or have been adjudged guilty in an anti-trust case during the three-year period preceding the filing of the application.

(iii) Proposals by applicants who have been the subject of a final cease and desist or consent order issued by the Federal Trade Commission during the three-year period preceding the filing of the application.

(iv) Proposals by applicants or including parties with felony or capital offense conviction records, or against whom a criminal proceeding is pending.

(3) *Violations and complaint matters.* Proposals filed by applicants against whom violation notices of a serious nature are outstanding or against whom questions suggesting serious misconduct remain unresolved, or by applicants with records of serious past misconduct.

(4) *Equal employment opportunities.* Proposals filed by applicants whose equal employment opportunities programs do not comply with Commission rules or policies and cannot be cleared by further staff inquiry or action, or whose past performance suggests the existence of discriminatory practices.

(5) *Short term licenses and renewals.* Proposals which in the opinion of the Chief, Mass Media Bureau, warrant the issuance of a short-term license or renewal authorization.

(6) [Reserved]

(7) *Programming: Program content and ascertainment of community needs.* (i) Applications for new stations or assignments and transfers.

(A) Commercial AM and FM proposals and commercial TV proposals of applicants for new stations and of assignees and transfers that have not submitted a narrative statement of their proposed programming.

(8) [Reserved]

(9) *Hearing orders.* (i) Mutually exclusive applications, including renewal and construction permit applications, involving non-routine hearing issues.

(ii) Other renewal and assignment and transfer applications which appear to call for an evidentiary hearing.

(iii) Such other applications, as in the opinion of the Chief, Mass Media Bureau, warrant referral to the Commission prior to designation for hearing.

(10) *Interference and mileage separations.* Proposals for new or modified AM, FM, and TV facilities which would create substantial new prohibited overlap or station separation shortages. In the case of AM proposals (other than Class IV), a net increase in objectionable interference to another AM station involving more than 1 percent of the population served by such other station, whether or not consented to by the station affected, shall be referred to the Commission.

(11) *VHF television expansion.* Commercial VHF television proposals seeking to bring or extend their Grade B contours into a significant area or population included within the predicted Grade B contour of a UHF television station where the area or population involved is covered by fewer than 4 VHF television signals.

(12) *Agreements to amend or dismiss applications.* Any situation in which a community will be deprived of a proposed broadcast station by reason of amendment or dismissal of an application mutually exclusive with another application for a different community.

(13) *Experimental and developmental operation.* Proposals for experimental and developmental authority containing policy implications which, in the opinion of the Chief, Mass Media Bureau, warrant referral to the Commission.

(14) *Miscellaneous applications and requests.* (i) Proposals for special temporary, emergency, conditional, or interim operating authority of more than routine significance.

(ii) Any other application, proposals, or request presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(b) *Petitions and other requests for Commission action.* (1) Petitions to deny, informal objections, and other petitions, directed against AM, FM, and TV applications for new or modified facilities, or for renewal, assignment or transfer of control, will be referred to the Commission if they: (i) Contain new or novel issues not previously considered by the Commission, (ii) appear to justify a change in Commission policy; or (iii) present documented allegations of failure to comply with the Commission's Equal Employment Opportunity rules and policies, or the applicant in question falls outside the applicable processing criteria in its employment of women and minorities.

(2) Petitions and other requests for reconsideration of actions taken by the Chief, Mass Media Bureau, when such petitions or requests contain new or novel arguments not previously considered by the Commission, present facts or arguments which appear to justify a change in Commission policy, or request reconsideration of orders designating cases for hearing.

(3) Applications for review of actions taken by the Chief, Mass Media Bureau, which comply with § 1.115 of this chapter.

(4) Petitions and other requests for waiver of Commission rules, whether or not accompanied by an application, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(5) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(6) Petitions for rulemaking which have been accepted under § 1.403, and final dispositions of rulemaking proceedings not involving routine changes in the FM and TV Tables of Assignments.

(7) Petitions and other requests for waiver of the prime-time access rule, in areas where Commission policy is not clearly established.

(8) Petitions and other requests for long-term waiver of the policy limiting affiliations by commonly owned networks in the same market.

(9) Petitions and other requests for waiver of the sponsorship identification provisions of the Communications Act, in accordance with section 317(d) thereof.

(10) Any other petition, pleading, or request presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(c) *Administration and enforcement.* (1) Proposed orders to show cause why station licenses or construction permits should not be revoked.

(2) Proposed actions following any case remanded by the courts.

(3) Notices of opportunity for hearing pursuant to § 1.80(g) of this chapter, and notices of apparent liability, final forfeiture orders, and orders cancelling or reducing forfeitures imposed under § 1.80(f) if the amount set out in the notice of apparent liability is more than $10,000.

(4) Proposed public notices expressing Commission policy, interpreting the provisions of law, regulations, or treaties, or warning the broadcast industry as to certain types of violations.

(5) Problems involving apparent violation of the Commission's rules governing equal employment opportunities or otherwise indicating the existence of discriminatory practices which, in the opinion of the Chief, Mass Media Bureau, or the Equal Employment Opportunity Commission should be brought to the attention of FCC Commissioners.

(6) Any other complaint or enforcement matter presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

[47 FR 47829, Oct. 28, 1982, as amended at 47 FR 55929, Dec. 14, 1982; 47 FR 58269, Dec. 30, 1982; 48 FR 24386, June 1, 1983; 49 FR 33603, Aug. 23, 1984]

§ 0.284 Actions taken under delegated authority.

(a) In discharging the authority conferred by § 0.283 of this part, the Chief, Mass Media Bureau, shall establish working relationships with other bureaus and staff offices to assure the effective coordination of actions taken in the following areas of joint responsibility;

(1) Complaints arising under sections 315 and 605 of the Communications Act—Office of General Counsel.

(2) Objections to proposed call signs and requests for waiver of procedural rules governing call sign assignments—Office of Managing Director.

(3) Requests for waiver of tower painting and lighting specifications—Field Operations Bureau.

(4) Matters involving emergency communications, including the issuance of Emergency Broadcast System Authorizations (FCC Form 392)—Office of the Managing Director.

(5) Complaints involving equal employment opportunities—Office of General Counsel.

(6) Requests for use of frequencies or bands of frequencies shared with private sector nonbroadcast or government services—Office of Engineering and Technology and appropriate operating bureau.

(7) Requests involving coordination with other agencies of government—Office of General Counsel, Office of

Engineering and Technology and appropriate operating bureau.

(8) Proposals involving transmitter sites on public lands owned or controlled by the Departments of Agriculture or Interior—Office of Engineering and Technology.

(9) Proposals involving possible harmful impact on radio astronomy or radio research installations—Office of Engineering and Technology.

(10) To act on all applications for authorization, petitions for special relief, petitions to deny, waiver requests, objections, complaints, and requests for declaratory rulings and stays in the Cable Television Services, unless novel questions of fact, law or policy are involved which cannot be resolved under existing precedents and guidelines.

(b) With respect to non-routine applications granted under authority delegated in § 0.283 of this part, the Chief, Mass Media Bureau or his designees, shall enter on the working papers associated with each application a narrative justification of the action taken. While not available for public inspection, these working papers shall, upon request, be made available to the Commissioners and members of their staffs.

(c) The Chief, Mass Media Bureau, shall prepare and submit to the Commission a quarterly statistical summary of actions taken during the preceding quarter under authority delegated to him in § 0.283 of this part. The statistical summary shall be accompanied by a statement of industry trends apparent in the staff handling of nonroutine matters during the same quarter.

[47 FR 47829, Oct. 28, 1982; 47 FR 56852, Dec. 21, 1982, as amended at 51 FR 12615, Apr. 14, 1986; 52 FR 5288, Feb. 20, 1987; 53 FR 29055, Aug. 2, 1988]

§ 0.285 Record of actions taken.

The history card, the station file, and other appropriate files are designated to be the official record of the action taken by the Chief of the Mass Media Bureau.

[47 FR 47829, Oct. 28, 1982]

CHIEF, COMMON CARRIER BUREAU

§ 0.291 Authority delegated.

The Chief, Common Carrier Bureau, is hereby delegated authority to perform all functions of the Bureau, described in § 0.91, subject to the following exceptions and limitations.

(a) *Authority concerning applications.* (1) The Chief, Common Carrier Bureau shall not have authority to act on any formal or informal radio applications or section 214 applications for common carrier services which are in hearing status.

(2) The Chief, Common Carrier Bureau shall not have authority to act on any applications or requests which present novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines.

(b) *Authority concerning section 220 of the Act.* The Chief, Common Carrier Bureau shall not have authority to promulgate regulations or orders prescribing permanent depreciation rates for common carriers, or to prescribe interim depreciation rates to be effective more than one year, pursuant to section 220 of the Communications Act of 1934, as amended.

(c) *Authority concerning section 221(a) of the Act.* (1) The Chief, Common Carrier Bureau shall not have authority to determine whether hearings shall be held on applications filed under section 221(a) of the Communications Act of 1934, as amended, where a request has been made by a telephone company, an association of telephone companies, a State Commission or local government authority.

(2) The Chief, Common Carrier Bureau shall not have authority to act upon applications filed under section 221(a) of the Communications Act of 1934, as amended, where the proposed expenditure for consolidation, acquisition or control is in excess of $10 million.

(3) The Chief, Common Carrier Bureau shall not have authority to act upon any application, petition or request under section 221(a) of the Communications Act of 1934, as amended, which presents novel questions of fact, law or policy which cannot be resolved

under outstanding precedents and guidelines.

(d) *Authority concerning non-common carrier satellite systems.* The Chief, Common Carrier Bureau shall not have authority to determine whether a construction permit shall be granted for a non-common carrier satellite system, or any part thereof, where the construction costs are in excess of $10 million.

(e) *Authority to designate for hearing.* The Chief, Common Carrier Bureau shall not have authority to designate for hearing any formal complaints which present novel questions of fact, law or policy which cannot be resolved under outstanding precedents or guidelines. The Chief, Common Carrier Bureau shall not have authority to designate for hearing any applications except: (1) Applications for radio facilities filed pursuant to Parts 21, 22, 23 and 25 of this chapter which are mutually exclusive and (2) applications for facilities where the issues presented relate solely to whether the applicant has complied with outstanding precedents and guidelines.

(f) *Authority concerning forfeitures.* The Chief, Common Carrier Bureau shall not have authority to impose, reduce or cancel forfeitures pursuant to section 203 or section 503(b) of the Communications Act of 1934, as amended, in amounts of $10,000 or more.

(g) *Authority concerning applications for review.* The Chief, Common Carrier Bureau shall not have authority to act upon any applications for review of actions taken by the Chief, Common Carrier Bureau, pursuant to any delegated authority.

(h) *Authority concerning rulemaking and investigatory proceedings.* The Chief, Common Carrier Bureau shall not have authority to issue notices of proposed rulemaking, notices of inquiry or to issue reports or orders arising from either of the foregoing.

(i) *Authority concerning public coast stations in the maritime service.* The Chief, Common Carrier Bureau, shall have authority to act on matters affecting public coast stations in the maritime service which concern tariffs and rates, terms of interconnection, and applications for closure pursuant to section 214 of the Communications Act.

(Secs. 4, 5, 303, 48 Stat. 1066, 1068, 1082, as amended; 47 U.S.C. 154, 155, 303; secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1089; 47 U.S.C. 152, 153, 154, 155, 303, 307, 308, 309, 315, 317)

[44 FR 18501, Mar. 28, 1979; 44 FR 22078, Apr. 13, 1979, as amended at 45 FR 22945, Apr. 4, 1980; 45 FR 25399, Apr. 15, 1980; 45 FR 31723, May 14, 1980; 48 FR 23431, May 25, 1983; 49 FR 6908, Feb. 24, 1984; 50 FR 18489, May 1, 1985; 51 FR 13230, Apr. 18, 1986; 52 FR 35918, Sept. 24, 1987; 55 FR 30461, July 26, 1990]

§ 0.301 Authority delegated jointly to Chiefs of Common Carrier and Private Radio Bureaus.

Authority is delegated jointly to the Chief of the Common Carrier Bureau and the Chief of the Private Radio Bureau to act upon applications involving common carrier matters in the aeronautical mobile service, and in the fixed service in Alaska. (For record of actions taken under this section, see § 0.337.)

[45 FR 25399, Apr. 15, 1980]

§ 0.302 Record of actions taken.

The application and authorization files in the appropriate central files of the Common Carrier Bureau are designated as the Commission's official records of actions by the Chief, Common Carrier Bureau pursuant to authority delegated to him. In the case of joint authority exercised by the Chief, Common Carrier Bureau, and the Chief, Private Radio Bureau, § 0.337 applies.

(Secs. 4, 5, 303, 48 Stat. 1066, 1068, 1082, as amended; 47 U.S.C. 154, 155, 303)

[40 FR 7452, Feb. 20, 1975. Redesignated at 44 FR 18501, Mar. 28, 1979, and amended at 44 FR 39180, July 5, 1979]

§ 0.303 Authority concerning registration of telephone terminal equipment.

Authority is delegated to the Chief of the Common Carrier Bureau jointly in cooperation with the Chief Engineer to act upon applications for registration of equipment to be directly connected to the telephone network; *Provided, however,* That the Chief, Common Carrier Bureau shall exercise overall policy direction of the program, with appropriate consultation with the Chief Engineer (For record of actions taken under this section, see § 0.247).

(Secs. 4, 5, 303, 48 Stat. 1066, 1068, 1082, as amended; 47 U.S.C. 154, 155, 303)

[41 FR 7750, Feb. 20, 1976. Redesignated at 44 FR 18501, Mar. 28, 1979, and amended at 44 FR 39180, July 5, 1979; 51 FR 12615, Apr. 14, 1986]

FIELD OPERATIONS BUREAU

§ 0.311 Authority delegated.

The performance of functions and activities described in § 0.111 is delegated to the Chief, Field Operations Bureau, provided that:

(a) The following matters shall be referred by the Chief, Field Operations Bureau to the Commission en banc for disposition:

(1) Notices of proposed rule making and of inquiry and final orders in rulemaking proceedings, inquiry proceedings, and non-editorial orders making rule changes with respect to Parts 13 and 17 of this chapter. (See § 0.231(d))

(2) Applications for review of actions taken pursuant to delegated authority. (See § 1.115 of this chapter).

(3) Petitions and other requests for waiver of Commission rules, whether or not accompanied by an application, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(4) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(5) Any other petition, pleading, or request presenting new or novel questions of fact, law, or policy, which cannot be resolved under outstanding precedents and guidelines after consultation with appropriate Bureaus or offices.

(6) Any other complaint or enforcement matter presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines after consultation with appropriate Bureaus or offices.

(b) The Chief and the Deputy Chief of the Field Operations Bureau are authorized to declare that a state of general communications emergency exists and to act on behalf of the Commission pursuant to the provision of § 97.107 of this chapter with respect to the operation of amateur stations during a state of general communications emergency.

(c) Rulings and orders concerning radio operator matters in a hearing status shall not be made by the Chief, Field Operations Bureau.

(d)(1) The Chief of the Field Operations Bureau is authorized to issue notices of apparent liability, final forfeiture orders, and orders cancelling or reducing forfeitures, pursuant to § 1.80 of this chapter, if the amount set out in the notice of apparent liability is $10,000 or less in the case of a broadcast licensee, and $2,000 or less in any other instance. The scope of the Field Operations Bureau's authority to take such actions includes cases of violation of section 301 or 318 of the Communications Act, or Part 13 or 17 of this chapter, and any other rule parts or sections specified in statements of policy provided by the other bureaus and offices available for inspection in the Field Operations Bureau. The Chief of the Field Operations Bureau is authorized to further delegate this authority to Engineers in Charge of field installations.

(2) The Chief of the Field Operations Bureau is authorized to issue citations pursuant to § 1.80(d) of this chapter and to further delegate this authority to Engineers in Charge of field installations.

(e) The Chief of the Field Operations Bureau is authorized to make determinations and notifications of the presence of harmful interference to radio communications involving safety of life or protection of property which requires temporary suspension of operation under § 74.23 of this chapter. Upon invoking the authority granted pursuant to this section, the Chief of the Field Operations Bureau shall immediately inform the Chairman of the Commission.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[40 FR 17254, Apr. 18, 1975, as amended at 47 FR 1395, Jan. 13, 1982; 48 FR 37414, Aug. 18, 1983; 50 FR 37189, Sept. 12, 1985]

§ 0.314 Additional authority delegated.

The Engineer in Charge at each installation is delegated authority to act upon applications, requests, or other matters, which are not in hearing status, and direct the following activities necessary to conduct investigations or inspections:

(a) For new, modified replacement, duplicate or renewal commercial radio operator license and provisional radio operator certificate.

(b) [Reserved]

(c) On informal requests from broadcast stations to extend temporary authority for operation without monitors, plate ammeter, plate voltmeter, base current meter, common point meter, and transmission line meter from FM and television stations.

(d) Relating to the time within which an applicant for amateur or commercial radio operator license may take an examination after having failed a previous examination (§§ 13.27 and 97.33 of this chapter).

(e)(1) For periodic survey as required by section 385 of the Communications Act of 1934, as amended, and issuance of Communications Act radiotelephony certificates in accordance with § 80.903 of this chapter.

(2) Extend the Communications Act Safety Radiotelephony Certificate for a period of up to 90 days beyond the specified expiration date.

(3) Grant emergency exemption requests, extensions or waivers of inspection to ships in accordance with applicable provisions of the Communications Act, the Safety Convention, the Great Lakes Agreement or the Commission's rules.

(f) Applications, in any acceptable form, filed at Commission field offices located in Alaska, for special temporary operator license authorization, in lieu of regular commercial radio operator license, when it is shown that there is a need for such authorization for use in connection with the protection of life or property during an emergency period.

(g) To act on and make determinations on behalf of the Commission regarding requests for assignments and reassignments of priorities under the Telecommunications Service Priority System, Part 64 of the rules, when circumstances require immediate action and the common carrier seeking to provide service states that it cannot contact the National Communications System or the Commission office normally responsible for such assignments.

(h) Require special equipment and program tests during inspections or investigations to determine compliance with technical requirements specified by the Commission.

(i) Require stations to operate with pre-sunrise and nighttime facilities during daytime hours in order that an inspection or investigation may be made by an authorized Commission representative to determine operating parameters.

(j) For ship radio inspection and certification of the ship radio license, pursuant to the requirements of section 362(b) of the Communications Act of 1934, as amended.

(k) Issue a Safety Radiotelegraphy Certificate or a Safety Radiotelephony Certificate in accordance with the terms of Regulations 12 and 13, Chapter I, of the Safety Convention.

(l) For inspection or periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Articles 12 and 13 thereof.

(m) Issuances of notices and orders to operators of industrial, scientific, and medical (ISM) equipment, as provided in § 18.115 of this chapter.

(n) Requests for permission to resume operation of ISM equipment on a temporary basis, as provided by § 18.115 of this chapter, and requests for extensions of time within which to file final reports, as provided by § 18.117 of this chapter.

(o) [Reserved]

(p) To act on requests for a waiver of the English language provisions of §§ 13.22 and 13.23 of this chapter in the case of Spanish-speaking applicants in and around Puerto Rico and

Miami, Fla., and to issue licenses bearing appropriate restrictions to those applicants found qualified.

(q) Act on requests for waiver of the written examination requirements of §§ 13.21, 13.22 and 13.23 of this chapter and to authorize oral examination in lieu thereof.

(r) To act on requests by blind applicants to appear at the appropriate field office for a radiotelephone license examination. (See §§ 13.11 and 13.23 of this chapter.)

(s)-(u) [Reserved]

(v) To issue Interim Amateur Permits to Amateur Radio Service licensees, pursuant to Part 97 of this chapter.

(w) To issue Amateur Code Credit Certificates, under the provisions of Part 97 of this chapter.

(x) When deemed necessary by the Engineer-in-Charge of a Commission field facility to assure compliance with the Rules, a station licensee shall maintain a record of such operating and maintenance records as may be necessary to resolve conditions of interference or deficient technical operation.

(Secs. 4, 5, 303, 307, 308, 309, 48 Stat., as amended, 1066, 1068, 1082, 1083, 1084, 1085; 47 U.S.C. 154, 303, 307, 308, 309)

[28 FR 12402, Nov. 22, 1963, as amended at 36 FR 8871, May 14, 1971; 40 FR 17254, Apr. 18, 1975; 42 FR 3167, Jan. 17, 1977; 43 FR 25122, June 9, 1978; 46 FR 35460, July 8, 1981; 48 FR 23432, May 25, 1983; 48 FR 26607, June 9, 1983; 48 FR 37414, Aug. 18, 1983; 50 FR 36067, Sept. 5, 1985; 51 FR 20290, June 4, 1986; 51 FR 31304, Sept. 2, 1986; 53 FR 29055, Aug. 2, 1988; 53 FR 47536, Nov. 23, 1988]

§ 0.317 Record of action taken.

The application, authorization, and other appropriate central files of the Field Operations Bureau are designated as the Commission's official records of action taken pursuant to authority delegated under §§ 0.311 and 0.314, and shall constitute the official Commission minutes entry of such actions.

[40 FR 17254, Apr. 18, 1975]

CHIEF, PRIVATE RADIO BUREAU

§ 0.331 Authority delegated.

The performance of functions and activities described in § 0.131 of this part is delegated to the Chief, Private Radio Bureau, provided that:

(a) The following matters shall be referred by the Chief, Private Radio Bureau to the Commission *en banc* for disposition:

(1) Notices of proposed rule making and of inquiry, final orders in rule making proceedings and inquiry proceedings, and reports arising from any of the foregoing, except such orders involving nonsubstantive revisions to the rules, or orders involving changes clarifying a rule based on established Commission precedent, or conforming one rule within Part 1, Subpart F, and Parts 80 through 97 with another rule, or conforming any of these rules to formally adopted international convention or agreement where novel questions of policy or law are not involved.

(2) Petitions for review of actions taken pursuant to delegated authority. (See § 1.115 of this chapter.)

(3) Petitions and other requests for waivers of Commission rules, whether or not accompanied by an application, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(4) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments, which appear to justify a change in Commission policy.

(5) Any other petition, pleading, or request presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(6) Proposed public notices expressing new or novel Commission policy, interpreting the provisions of law, regulations, or treaties, or warning licensees in the Private Radio Services as to certain types of violations.

(7) Proposed U.S. positions to be transmitted to the Department of State for international meetings of telecommunications entities.

(8) Any other complaint or enforcement matter presenting new or novel questions of fact, law, or policy which

cannot be resolved under outstanding precedents and guidelines.

(9) Authority to issue a notice of opportunity for hearing pursuant to § 1.80(g) of this chapter; and authority to issue notices of apparent liability, final forfeiture orders, and orders cancelling or reducing forfeitures imposed under § 1.80(f) of this chapter if the amount set out in the notice of apparent liability is more than $2000.

(b) Rulings and orders concerning matters in a hearing status shall not be made by the Chief, Private Radio Bureau.

[40 FR 4423, Jan. 30, 1975, as amended at 44 FR 5436, Jan. 26, 1979; 44 FR 37180, July 5, 1979; 54 FR 1177, Jan. 12, 1989]

§ 0.332 Actions taken under delegated authority.

In discharging the authority conferred by § 0.331, the Chief, Private Radio Bureau, shall establish working relationships with other bureaus and staff offices to assure the effective coordination of actions taken in the following areas of joint responsibility:

(a) Complaints arising under section 605 of the Communications Act—Office of General Counsel.

(b) Matters involving international coordination, World Administrative Radio Conferences, U.S. positions and preparation for international meetings of telecommunications entities—Office having primary responsibility for the matter.

(c) Requests for waiver of tower painting and lighting specifications—Field Operations Bureau.

(d) Matters involving emergency communications—Office of Managing Director.

(e) Complaints involving equal employment opportunities—Office of General Counsel.

(f) Requests for use of frequencies or bands of frequencies shared with broadcast, common carrier, or government services—Office of Engineering and Technology and appropriate operating bureau.

(g) Requests involving coordination with other Federal or state agencies or foreign government when appropriate—Office of General Counsel, Office of Engineering and Technology or operating bureau.

(h) Requests for emergency ship exemptions-Chief, Field Operations Bureau.

(i) Proposals involving possible harmful impact on radio astronomy or radio research installations—Office of Engineering and Technology.

[40 FR 4423, Jan. 30, 1975, as amended at 44 FR 11070, Feb. 27, 1979; 44 FR 39180, July 5, 1979; 50 FR 27953, July 9, 1985; 51 FR 12615, Apr. 14, 1986; 51 FR 20290, June 4, 1986; 52 FR 5288, Feb. 20, 1987]

§ 0.333 Authority delegated jointly to the Chief of the Common Carrier and Private Radio Bureaus.

Authority is delegated jointly to the Chief of the Common Carrier Bureau and the Chief of the Private Radio Bureau to act upon applications involving common carrier matters in the aeronautical mobile service, and in the fixed service in Alaska.

[45 FR 25399, Apr. 15, 1980]

§ 0.335 Authority delegated jointly to the Chief of the Private Radio Bureau and the Chief Engineer.

Authority is delegated jointly to the Chief of the Private Radio Bureau and the Chief Engineer to review and accept regional plans submitted and modifications thereto as required under the public safety National Plan adopted in General Docket 87-112.

[53 FR 1023, Jan. 15, 1988]

§ 0.337 Record of actions taken.

The history card pertaining to a certain station is designated to be the official record of the action taken by the Chief, Private Radio Bureau, in pursuance of the authority delegated to him in § 0.331 or jointly to him and the Chief, Common Carrier Bureau, in § 0.333. In cases where no history card is prepared, the application and authorization file pertaining to the station in question is designated to be the official record of the action taken by the Chief of the Bureau, or by him jointly with the Chief of the Common Carrier Bureau.

[33 FR 8228, June 1, 1968, as amended at 40 FR 4423, Jan. 30, 1975; 44 FR 39180, July 5, 1979]

ADMINISTRATIVE LAW JUDGES

§ 0.341 Authority of administrative law judge.

(a) After an administrative law judge has been designated to preside at a hearing and until he has issued an initial decision or certified the record to the Commission for decision, or the proceeding has been transferred to another administrative law judge, all motions, petitions and other pleadings shall be acted upon by such administrative law judge, except the following:

(1) Those which are to be acted upon by the Commission. See § 1.291(a)(1) of this chapter.

(2) Those which are to be acted upon by the Chief Administrative Law Judge under § 0.351.

(b) Any question which would be acted upon by the administrative law judge if it were raised by the parties to the proceeding may be raised and acted upon by the administrative law judge on his own motion.

(c) Any question which would be acted upon by the Chief Administrative Law Judge, the Review Board or the Commission, if it were raised by the parties, may be certified by the administrative law judge, on his own motion, to the Chief Administrative Law Judge, the Review Board or the Commission, as the case may be.

[29 FR 6442, May 16, 1964, as amended at 37 FR 19372, Sept. 20, 1972; 41 FR 14870, Apr. 8, 1976]

§ 0.347 Record of actions taken.

The official record of all actions taken by an Administrative Law Judge, including initial and recommended decisions and actions taken pursuant to § 0.341, is contained in the original docket folder, which is maintained by the Secretary in the Dockets Branch.

[39 FR 37061, Oct. 17, 1974]

CHIEF ADMINISTRATIVE LAW JUDGE

§ 0.351 Authority delegated.

The Chief Administrative Law Judge shall act on the following matters in proceedings conducted by hearing examiners:

(a) Initial specifications of the time and place of hearings where not otherwise specified by the Commission and excepting actions under authority delegated by § 0.296.

(b) Designation of the hearing examiner to preside at hearings.

(c) Orders directing the parties or their attorneys to appear at a specified time and place before the hearing examiner for an initial prehearing conference in accordance with § 1.251(a) of this chapter. (The administrative law judge named to preside at the hearing may order an initial prehearing conference although the Chief Administrative Law Judge may not have seen fit to do so and may order supplementary prehearing conferences in accordance with § 1.251(b) of this chapter.)

(d) Petitions requesting a change in the place of hearing where the hearing is scheduled to begin in the District of Columbia or where the hearing is scheduled to begin at a field location and all appropriate proceedings at that location have not been completed. (See § 1.253 of this chapter.) However, if all parties to a proceeding concur in holding all hearing sessions in the District of Columbia rather than at any field location, the presiding administrative law judge may act on the request.

(e) In the absence of the administrative law judge who has been designated to preside in a proceeding, to discharge the administrative law judge's functions.

(f) All pleadings filed, or matters which arise, after a proceeding has been designated for hearing, but before a law judge has been designated, which would otherwise be acted upon by the law judge, including all pleadings filed, or matters which arise, in cease and desist and/or revocation proceedings prior to the designation of a presiding officer.

(g) All pleadings (such as motions for extension of time) which are related to matters to be acted upon by the Chief Administrative Law Judge.

(h) If the administrative law judge designated to preside at a hearing becomes unavailable, to order a rehearing or to order that the hearing continue before another administrative law judge and, in either case, to designate the judge who is to preside.

(i) The consolidation of related proceedings pursuant to § 1.227(a) of this chapter, after designation of those proceedings for hearing.

[29 FR 6443, May 16, 1964, as amended at 37 FR 19372, Sept. 20, 1972; 38 FR 30559, Nov. 6, 1973; 43 FR 49307, Oct. 23, 1978; 44 FR 76295, Dec. 26, 1979]

§ 0.357 Record of actions taken.

The official record of all actions taken by the Chief Administrative Law Judge in docketed proceedings pursuant to § 0.351 is contained in the original docket folder, which is maintained by the Secretary in the Dockets Branch.

[39 FR 37061, Oct. 17, 1974]

REVIEW BOARD

§ 0.361 General authority.

(a) The Review Board is constituted pursuant to section 5(d)(1) of the Communications Act of 1934, as amended, to review decisions of the Administrative Law Judges in all adjudicative proceedings unless at the time of designation, the Commission specifies otherwise. The Board shall also perform those functions set forth in §§ 0.362 through 0.365 of this part and any additional duties assigned by the Commission not inconsistent with these functions.

(b) The Board is composed of three or more Commission employees. Members of the Board are designated by the Commission, serve indefinitely on a full-time basis, and are responsible only to the Commission. Neither the Commission nor any of its members will discuss the merits of any matter pending before the Board with the Board or any of its members.

(c) Two members of the Board shall constitute a quorum. The Board may sit in panels of two members. Any member assigned to a case who is not present at oral argument may, after reading the transcript of oral argument, participate in the Board's decision. However, so far as practicable, all of the members of the Board assigned to a case shall hear oral argument. In the case of a tie vote, a member of the Board not recused may review the record and vote; if a third member is not available, the case shall be certified to the Commission for decision.

(d) The member of the Board designated as Chairman by the Commission shall assign panels and cases on a rotational basis to the extent practicable. Each opinion of the Review Board will be signed by one of its members, who shall be responsible for its preparation.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 58681, Dec. 3, 1981]

§ 0.362 Action on initial decisions.

(a) The Review Board shall decide each matter before it by majority vote in accordance with the Communications Act of 1934, as amended, rules and regulations, case precedent, and established policies of the Commission. In reviewing initial decisions referred to it, the Review Board is authorized to perform all of the review functions which would otherwise have been performed by the Commission under §§ 1.273 through 1.282 of this chapter.

(b) The Board shall adopt a decision within 180 days after the release date of an Initial Decision to which exceptions are taken; provided, however, that where, for good cause shown, extensions of time are requested by the parties and granted, the 180 days shall be extended likewise. If the Board does not adopt a decision before the appropriate date, any party may file a motion with the Commission for certification of the case for decision.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 58681, Dec. 3, 1981]

§ 0.363 Certification of matters to the Commission.

(a) The Review Board, on its own motion or upon motion to the Board by any party, may in its discretion certify any matter to the Commission with a request that the Commission act upon the matter. The Commission may act upon the matter or remand it to the Board for decision.

(b) Whenever the Commission determines that a matter pending before the Board involves a novel issue of law or policy, it may, on its own motion, direct that the matter before the Board be certified to the Commission for decision. However, no petition requesting the Commission to take such action will be entertained.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 58681, Dec. 3, 1981]

§ 0.365 Authority delegated.

(a) The Review Board is delegated general authority to take such action as may be necessary to perform those duties specified in §§ 0.361 through 0.363 of this part.

(b) The Review Board is delegated specific authority in all adjudicative cases to act on exceptions to initial or summary decisions, appeals from other rulings of Administrative Law Judges pursuant to §§ 1.301 and 1.302 of this chapter, and all related pleadings filed in cases or matters which are before the Board.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 58682, Dec. 3, 1981]

§ 0.367 Record of actions taken.

The official record of all actions taken by the Review Board pursuant to §§ 0.361-0.365 is contained in the original docket folder, which is maintained by the Secretary in the Dockets Branch.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 58682, Dec. 3, 1981]

NATIONAL SECURITY AND EMERGENCY PREPAREDNESS DELEGATIONS

§ 0.381 Defense Commissioner.

The authority delegated to the Commission under Executive Order 11490 is redelegated to the Defense Commissioner.

[41 FR 31210, July 27, 1976]

§ 0.383 Emergency Relocation Board, authority delegated.

(a) During any period in which the Commission is unable to function because of the circumstances set forth in § 0.186(b), all work, business or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, is assigned and referred to the Emergency Relocation Board.

(b) The Board, acting by a majority thereof, shall have the power and authority to hear and determine, order, certify, report or otherwise act as to any of the said work, business or functions so assigned or referred to it, and in respect thereof shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations.

(c) Any order, decision or report made or other action taken by the said Board in respect of any matters so assigned or referred shall have the same effect and force, and may be made, evidenced, and enforced in the same manner, as if made or taken by the Commission.

[28 FR 12402, Nov. 22, 1963, as amended at 33 FR 8228, June 1, 1968; 53 FR 29055, Aug. 2, 1988]

§ 0.387 Other national security and emergency preparedness delegations; cross reference

(a) For authority of the Chief of the Mass Media Bureau to issue Emergency Broadcast System Authorizations (FCC Form 392), see §§ 0.284(a)(4) and 73.913.

(b) For authority of the Chief and Deputy Chief of the Field Operations Bureau to declare a general communications emergency, see § 0.311.

[28 FR 12411, Nov. 22, 1963, as amended at 40 FR 17254, Apr. 18, 1975; 53 FR 29055, Aug. 2, 1988; 54 FR 15195, Apr. 17, 1989]

Subpart C—General Information

GENERAL

§ 0.401 Location of Commission offices.

The Commission maintains several offices and receipt locations. Applications and other filings not submitted in accordance with the addresses or locations set forth below will be returned to the applicant without processing. When an application or other filing does not involve the payment of a fee, the appropriate filing address or location is established elsewhere in the rules for the various types of submissions made to the Commission. The public should identify the correct filing location by reference to these rules. Applications or submissions requiring fees must be submitted in accordance with § 0.401(b) of the rules irrespective of the addresses that may be set out elsewhere in the rules for other submissions.

(a) General correspondence, as well as applications and filings not requiring the fees set forth at Part 1, Subpart G of the rules (or not claiming an exemption, waiver or deferral from the fee requirement), should be delivered to one of the following locations.

(1) The main office of the Commission is located at 1919 M Street, NW., Washington, DC.

(i) Documents submitted by mail to this office should be addressed to: Federal Communications Commission, Washington, DC 20554.

(ii) Hand-carried documents should be delivered to the Secretary's Office, 1919 M Street, NW., Room 222, Washington, DC.

(2) The Commission's laboratory is located near Columbia, Maryland. The mailing address is: Authorizations and Evaluation Division, Federal Communications Commission Laboratory, 7435 Oakland Mills Road, Columbia, MD 21045.

(3) The Commission also maintains offices at Gettysburg, PA.

(i) The mailing address of the Private Radio Bureau Licensing Division is: Federal Communications Commission, Gettysburg, PA 17326.

(ii) The mailing address of the International Telecommunications Section of the Finance Branch is: Federal Communications Commission, P.O. Box IT-70, Gettysburg, PA 17326.

(4) The locations of the field offices of the Field Operations Bureau are listed in § 0.121.

(5) The location of the Office of General Counsel is Room 614, 1919 M Street NW., Washington, DC 20554.

(b) Applications or filings requiring the fees set forth at part 1, subpart G of the rules must be delivered to the Commission's lockbox bank in Pittsburgh, Pennsylvania with the correct fee and completed Fee Form attached to the application or filing, unless otherwise directed by the Commission. In the case of any conflict between this rule subpart and other rules establishing filing locations for submissions subject to a fee, this subpart shall govern.

NOTE: Applicants seeking a waiver or deferral of fees must submit their application or filing in accordance with the addresses set forth below. Applicants claiming a statutory exemption from the fees should file their applications in accordance with paragraph (a) of this section.

(1) Applications and filings submitted by mail shall be addressed to the Mellon Bank in Pittsburgh, Pennsylvania. The bank maintains separate post office boxes for the receipt of different types of applications. It will also establish special post office boxes to receive responses to special filings such as applications filed in response to "filing windows" established by the Commission. The address for the submission of such filings will be established in the Public Notice announcing the filing dates. In all other cases, applications and filings submitted by mail should be sent to the addresses listed in the appropriate fee rules: § 1.1102 for Private Radio Services, § 1.1103 for Equipment Approvals, Experimental Radio Applications, Radio Operator Examinations, and Ship Inspections; § 1.1104 for Mass Media Services; and § 1.1105 for Common Carrier Services.

NOTE: Private radio applications that require frequency coordination must be submitted to the appropriate certified frequency coordinator before filing with the Commission. After coordination, the applications are filed with the Commission as set for herein. (See §§ 90.127 and 90.175 of the rules)

(2) Applications and other filings may also be hand carried, in person or by courier, to the Mellon Bank, Three Mellon Bank Center, 525 William Penn Way, 27th Floor, room 153-2713, Pittsburgh, Pennsylvania. All applications and filings delivered in this manner must be in an envelope clearly marked for the "Federal Communications Commission," addressed to the attention of "Wholesale Lockbox Shift Supervisor," and identified with the

appropriate Post Office Box address as set out in the fee schedule (§§ 1.1102-1.1105). Applications should be enclosed in a separate envelope for each Post Office Box. Hand-carried or couriered applications and filings may be delivered at any time on any day. Applications or filings received by the bank before midnight on any Commission business day will be treated as having been filed on that day. Materials received by the bank after midnight, Monday through Friday, or on weekends or holidays, will be treated as having been filed on the next Commission business day.

[52 FR 10227, Mar 31, 1987, as amended at 53 FR 18564, May 24, 1988; 53 FR 40886, Oct. 19, 1988; 54 FR 12453, Mar. 27, 1989; 55 FR 19154, May 8, 1990]

§ 0.403 Office hours.

The main offices of the Commission are open from 8 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays, unless otherwise stated.

[52 FR 10228, Mar. 31, 1987]

§ 0.405 Statutory provisions.

The following statutory provisions, among others, will be of interest to persons having business with the Commission:

(a) The Federal Communications Commission was created by the Communications Act of 1934, 48 Stat. 1064, June 19, 1934, as amended, 47 U.S.C. 151-609.

(b) The Commission exercises authority under the Submarine Cable Landing Act, 42 Stat. 8, May 27, 1921, 47 U.S.C. 34-39. See section 5 of Executive Order 10530, 19 FR 2709, May 10, 1954, as amended, 3 CFR 1965 ed., p. 463.

(c) The Commission exercises authority under the Communications Satellite Act of 1962, 76 Stat. 419, August 31, 1962, 47 U.S.C. 701-744.

(d) The Commission operates under the Administrative Procedure Act, 60 Stat. 237, June 11, 1946, as amended, originally codified as 5 U.S.C. 1001-1011. Pursuant to Pub. L. 89-554, September 6, 1966, 80 Stat. 378, the provisions of the Administrative Procedure Act now appear as follows in the Code:

Administrative Procedure Act	5 U.S.C.
Sec. 2-9	551-558
Sec. 10	701-706
Sec. 11	3105, 7521, 5362, 1305
Sec. 12	559

[32 FR 10570, July 19, 1967]

§ 0.406 The rules and regulations.

Persons having business with the Commission should familiarize themselves with those portions of its rules and regulations pertinent to such business. All of the rules have been published and are readily available. See §§ 0.411(b), 0.412, and 0.415. For the benefit of those who are not familiar with the rules, there is set forth in this section a brief description of their format and contents.

(a) *Format.* The rules are set forth in the Code of Federal Regulations as Chapter I of Title 47. Chapter I is divided into parts numbered from 0-99. Each part, in turn, is divided into numbered sections. To allow for the addition of new parts and sections in logical sequence, without extensive renumbering, parts and sections are not always numbered consecutively. Thus, for example, Part 2 is followed by Part 5, and § 1.8 is followed by § 1.10; in this case, Parts 3 and 4 and § 1.9 have been reserved for future use. In numbering sections, the number before the period is the part number; and the number after the period locates the section within that part. Thus, for example, § 1.1 is the first section of Part 1 and § 5.1 is the first section in Part 5. Except in the case of accounting regulations (Parts 31-35), the period should not be read as a decimal point; thus, § 1.511 is not located between § 1.51 and § 1.52 but at a much later point in the rules. In citing the Code of Federal Regulations, the citation, 47 CFR 5.1, for example, is to § 5.1 (in Part 5) of Chapter I of Title 47 of the Code, and permits the exact location of that rule. No citation to other rule units (e.g., subpart or chapter) is needed.

(b) *Contents.* Parts 0-19 of the rules have been reserved for provisions of a general nature. Parts 20-69 of this chapter have been reserved for provisions pertaining to common carriers.

Parts 70-79 have been reserved for provisions pertaining to broadcasting and cable television. Parts 80-99 of this chapter have been reserved for provisions pertaining to the Safety and Special Radio Services. In the rules pertaining to common carriers, Parts 21, 23, and 25 of this chapter pertain to the use of radio; Parts 31-66 of this chapter pertain primarily to telephone and telegraph companies. Persons having business with the Commission will find it useful to consult one or more of the following parts containing provisions of a general nature in addition to the rules of the radio or wire communication service in which they are interested:

(1) *Part 0, Commission organization.* Part 0 describes the structure and functions of the Commission, lists delegations of authority to the staff, and sets forth information designed to assist those desiring to obtain information from, or to do business with, the Commission. This Part is designed, among other things, to meet certain of the requirements of the Administrative Procedure Act, as amended.

(2) Part 1, practice and procedure. Subpart A of Part 1 contains the general rules of practice and procedure. Except as expressly provided to the contrary, these rules are applicable in all Commission proceedings and should be of interest to all persons having business with the Commission. Part 1 also contains certain other miscellaneous provisions. Subpart B contains the procedures applicable in formal hearing proceedings (see § 1.201). Subpart C contains the procedures followed in making or revising the rules or regulations. Subpart D contains rules applicable to applications for licenses in the Broadcast Radio Services, including the forms to be used, the filing requirements, the procedures for processing and acting on such applications, and certain other matters, Subpart E contains general rules and procedures applicable to common carriers. Additional procedures applicable to certain common carriers by radio are set forth in Part 21. Subpart F contains rules applicable to applications for licenses in the Private Radio Services, including the forms to be used, the filing requirements, the procedures for processing and acting on such applications, and certain other matters. Subpart G contains rules pertaining to the application processing fees established by the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272). Subpart H, concerning ex parte presentations, sets forth standards governing communications with Commission personnel in hearing proceedings and contested application proceedings. Subparts G and H will be of interest to all applicants, and Subpart H will, in addition, be of interest to all persons involved in hearing proceedings.

(3) *Part 2, frequency allocations and radio treaty matters; general rules and regulations.* Part 2 will be of interest to all persons interested in the use of radio. It contains definitions of technical terms used in the rules and regulations; provisions governing the allocation of radio frequencies among the numerous uses made of radio (e.g., broadcasting, land mobile) and radio services (e.g., television, public safety), including the Table of Frequency Allocaions (§ 2.106); technical provisions dealing with emissions; provisions dealing with call signs and emergency communications; provisions governing type acceptance and type approval of radio equipment; and a list of treaties and other international agreements pertaining to the use of radio.

(4) *Part 5, experimental radio services (other than broadcast).* Part 5 deals with the temporary use of radio frequencies for research in the radio art, for communication involving other research projects, and for the development of equipment, data, or techniques.

(5) *Part 13, commercial radio operators.* Part 13 describes the procedures to be followed in applying for a commercial operator license, including the forms to be used and the examinations given, and sets forth rules governing licensed operators. It will be of interest to applicants for such licenses, licensed operators, and the licensees of radio stations which may be operated only by persons holding a commercial radio operator license.

(6) *Part 15, radio frequency devices.* Part 15 contains regulations designed

to prevent harmful interference to radio communication from radio receivers and other devices which radiate radio frequency energy, and provides for the certification of radio receivers. It also provides for the certification of low power transmitters and for the operation of certificated transmitters without a license.

(7) *Part 17, construction, marking, and lighting of antenna structures.* Part 17 contains criteria for determining whether applications for radio towers require notification of proposed construction to the Federal Aviation Administration, and specifications for obstruction marking and lighting of antenna structures.

(8) *Part 18, industrial, scientific and medical equipment.* Part 18 contains regulations designed to prevent harmful interference to radio communication from ultrasonic equipment, industrial heating equipment, medical diathermy equipment, radio frequency stabilized arc welders, and other equipment which uses radio energy for purposes other than communication.

(9) *Part 19, employee responsibilities and conduct.* Part 19 prescribes standards of conduct for the members and staff of the Commission.

[32 FR 10571, July 19, 1967, as amended at 32 FR 12180, Aug. 24, 1967; 37 FR 20553, Sept. 30, 1972; 52 FR 5288, Feb. 20, 1987]

§ 0.408 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection requirements of the Commission by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96-511. The Commission intends that this section comply with the requirements of section 3507(f) of the Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget ("OMB") for each agency information collection requirement. OMB control numbers assigned to Commission forms are not listed in this section since those numbers appear on the forms.

(b) *Display.*

47 CFR part or section where identified and described	Current OMB Control No.
1.65(c)	3060-0449
1.720-1.734	3060-0411
1.1206	3060-0430
1.1307	3060-0004
1.1308	3060-0004
1.1311	3060-0004
1.1404	3060-0392
1.1408	3060-0392
1.1705	3060-0344
1.1709	3060-0345
2.948	3060-0396
2.955	3060-0329
15.7	3060-0397
15.117(g)(2)-(3)	3060-0398
15.236	3060-0324
15.312(c)	3060-0387
15.644	3060-0372
21.201	3060-0206
21.307	3060-0206
21.406	3060-0206
21.706	3060-0206
21.806	3060-0206
21.910	3060-0396
22.307	3060-0150
22.406	3060-0150
22.501(l)(10)(ii)	3060-0094
22.609(e)	3060-0431
22.1101	3060-0451
25.390	3060-0164
25.391	3060-0343
Part 32	3060-0370
Part 36	3060-0233
41.31	3060-0165
Part 42	3060-0166
43.21	3060-0395
43.22	3060-0395
43.42	3060-0167
43.43	3060-0168
43.51	3060-0169
43.53	3060-0169
43.61	3060-0106
Part 61	3060-0298
Part 62	3060-0330
63.01-63.601	3060-0149
63.701	3060-0357
64.804	3060-0147
68.5	3060-0422
68.106	3060-0253
68.108	3060-0253
68.110	3060-0253
Part 69	3060-0292
73.51	3060-0340
73.54	3060-0393
73.61	3060-0161
73.68	3060-0321
73.69	3060-0326
73.99	3060-0157
73.158	3060-0160
73.961	3060-0207
73.1030	3060-0170
73.1125	3060-0171
73.1207	3060-0173
73.1212	3060-0174
73.1250	3060-0175
73.1400	3060-0320
73.1510	3060-0176
73.1560	3060-0178
73.1590	3060-0179
73.1610	3060-0180
73.1615	3060-0181
73.1620	3060-0182

47 CFR part or section where identified and described	Current OMB Control No.
73.1635	3060-0386
73.1680	3060-0341
73.1690	3060-0374
73.1740	3060-0184
73.1820	3060-0126
73.1840	3060-0183
73.1870	3060-0208
73.1920	3060-0209
73.1930	3060-0210
73.1940	3060-0211
73.2080	3060-0212
73.3523	3060-0427
73.3524	3060-0423
73.3525	3060-0213
73.3526	3060-0214
73.3527	3060-0215
73.3538	3060-0216
73.3544	3060-0190
73.3550	3060-0188
73.3594	3060-0187
73.3613	3060-0185
74.21	3060-0194
74.433	3060-0254
74.452	3060-0246
74.537	3060-0245
74.551	3060-0243
74.604	3060-0242
74.633	3060-0241
74.651	3060-0240
74.703	3060-0236
74.751	3060-0248
74.781	3060-0249
74.784	3060-0250
74.833	3060-0251
74.913	3060-0425
74.1281	3060-0309
74.1284	3060-0342
76.12	3060-0310
76.29	3060-0024
76.33	3060-0416
76.54	3060-0311
76.66	3060-0375
76.73	3060-0349
76.75	3060-0349
76.79	3060-0348
76.94	3060-0419
76.155	3060-0419
76.157	3060-0419
76.159	3060-0419
76.205	3060-0313
76.209	3060-0314
76.221	3060-0315
76.305	3060-0316
76.601	3060-0289
76.614	3060-0332
76.615	3060-0331
76.619	3060-0356
78.11	3060-0339
78.27	3060-0346
78.33	3060-0288
78.69	3060-0287
80.29	3060-0361
80.59	3060-0228
80.227	3060-0388
80.302	3060-0286
80.401	3060-0362
80.409(c)	3060-0360
80.409(d)-(e)	3060-0364
80.413	3060-0264
80.503	3060-0297
80.605	3060-0325
80.868	3060-0265
87.31	3060-0197
87.37	3060-0202
87.103	3060-0192
90.19(f)(7)	3060-0434
90.38(b)	3060-0204
90.41(b)	3060-0218
90.49(b)	3060-0219
90.129(b)	3060-0223
90.131(b)	3060-0225
90.135 (d) and (e)	3060-0226
90.145	3060-0119
90.151	3060-0224
90.155(b)	3060-0221
90.176	3060-0258
90.177	3060-0263
90.179	3060-0262
90.215	3060-0261
90.239(d)	3060-0260
90.263	3060-0259
90.443	3060-0270
90.477	3060-0291
90.505	3060-0308
90.517	3060-0290
90.607 (b)(1) and (c)(1)	3060-0295
90.629(a)	3060-0307
90.633 (f) and (g)	3060-0280
90.651	3060-0281
94.17	3060-0282
94.25 (f)-(g), and (i)	3060-0284
94.27(a)(6)	3060-0312
94.31	3060-0272
94.43	3060-0273
94.45	3060-0274
94.51	3060-0299
94.107	3060-0300
94.113	3060-0301
97.5	3060-0303
97.9	3060-0302
97.213	3060-0222
97.311	3060-0347
97.523	3060-0368

(Sec. 4(i), Communications Act of 1934, as amended; 47 CFR 0.231(d))

[49 FR 18306, Apr. 30, 1984, as amended at 50 FR 9632, Mar. 11, 1985; 51 FR 12157, Apr. 9, 1986; 51 FR 34619, Sept. 30, 1986; 52 FR 35918, Sept. 24, 1987; 53 FR 5184, Feb. 22, 1988; 53 FR 6916, Mar. 3, 1988; 54 FR 3038, Jan. 23, 1989; 54 FR 35650, Aug. 29, 1989; 55 FR 39277, Sept. 26, 1990]

§ 0.409 Commission policy on private printing of FCC forms.

The Commission has established a policy regarding the printing of blank FCC forms by private companies if they elect to do so as a matter of expediency and convenience to their clients or consumers. The policy is as follows:

(a) Blank FCC forms may be reproduced by private companies at their own expense provided the following conditions are met:

(1) Use a printing process resulting in a product that is at least comparable in quality to the original document, without change to the page size, image size, configuration of pages, folds or perforations, and matching as closely as possible the paper weight, paper color and ink color.

(2) Delete in its entirety any and all U.S. Government Printing Office (GPO) indicia that may appear in the margin(s).

(3) If the printer wishes to identify a foreign country in which the forms are printed, a marginal notation must be added stating "No U.S. Government funds were used to print this document."

(4) Do not add to the form any other symbol, word or phrase that might be construed as personalizing the form or advertising on it.

(5) Except as specified above, do not delete from or add to any part of the form, or attach anything thereto.

(6) Assure that the form being reproduced is an edition currently acceptable by the Commission, which will endeavor to keep the public advised of revisions to its forms, but cannot assume responsibility to the extent of eliminating any element of risk against the use of obsolete forms.

(b) These guidelines do not apply to forms which respondents may wish to reproduce as completed facsimiles on automated equipment to satisfy application or report requirements. Requests for permission to submit such forms to the Commission should be addressed to the Office of Managing Director.

[53 FR 27861, July 25, 1988]

PRINTED PUBLICATIONS

§ 0.411 General reference materials.

The following reference materials are available in many libraries and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402:

(a) *Statutory materials.* Laws pertaining to communications are contained in Title 47 of the United States Code. Laws enacted since the printing of the last supplement to the Code are printed individually as slip laws, and these are compiled chronologically in the United States Statutes at Large. The Acts of Congress from 1910-62 pertaining to radio have been compiled in a single volume, Radio Laws of the United States (1962 ed.). See §§ 0.405 and 0.414.

(b) *Regulatory materials*—(1) *The Code of Federal Regulations.* The rules and regulations of the Commission are contained in Chapter I of Title 47 of the Code of Federal Regulations. Chapter I is divided into the following four subchapters, which may be purchased separately: Subchapter A—General; Subchapter B—Common Carrier Services; Subchapter C—Broadcast Radio Services; and Subchapter D—Private Radio Services. Most persons will find that they need Subchapter A, containing the general rules, and one of the other volumes, depending upon their area of interest. These four volumes are revised annually to reflect changes in the rules. See §§ 0.406, 0.412, and 0.415. The Code of Federal Regulations is fully indexed and contains numerous finding aids. See 1 CFR Appendix C.

(b)(2) *The Federal Register.* As rules are adopted, amended, or repealed, the changes are published in the FEDERAL REGISTER, which is published daily except on legal holidays. Notices of proposed rule making, other rule making documents, statements of general policy, interpretations of general applicability, and other Commission documents having general applicability and legal effect are also published in the FEDERAL REGISTER. Summaries of the full Notices of proposed rule making and other rule making decisions adopted by the Commission constitute rulemaking documents for purposes of FEDERAL REGISTER publication. The FEDERAL REGISTER is fully indexed and contains numerous findings aids.

[32 FR 10571, July 19, 1967, as amended at 44 FR 39180, July 5, 1979; 51 FR 7444, Mar. 4, 1986]

§ 0.413 The Commission's printed publications.

The Commission's printed publications are described in §§ 0.414-0.420.

These publications may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Commission does not furnish copies of these publications but will furnish a price list (Administration Bulletin No. 1) upon request. Requests for copies of that list should be directed to the Office of Public Affairs, Federal Communications Commission, Washington, D.C. 20554.

[32 FR 10571, July 19, 1967, as amended at 44 FR 39180, July 5, 1979]

§ 0.414 The Communications Act and other statutory materials.

This publication, with packets of revised pages, contains the Communications Act of 1934, with amendments through 1964; the Administrative Procedure Act, with amendments through 1964; the Judicial Review Act; the Communications Satellite Act of 1962; and selected sections of the Criminal Code pertaining to communications. It also contains indexes to the Communications Act and the Administrative Procedure Act. Persons who do not have ready access to the United States Code, or who refer frequently to these materials, may find this volume to be useful.

[32 FR 10571, July 19, 1967]

§ 0.415 The rules and regulations (looseleaf service).

(a) In this service, the rules are divided into 10 volumes, each containing several related parts. Each volume may be purchased separately from the Superintendent of Documents. The purchase price for a volume includes a subscription to replacement pages reflecting changes in the rules contained therein until such time as the volume is revised. Each volume is revised periodically, depending primarily on the frequency with which the rules it contains have been amended. When a volume is revised, the revised volume and replacement pages therefor will be furnished to those who renew their subscriptions.

(b) [Reserved]

[41 FR 21449, May 26, 1976, as amended at 45 FR 49935, July 28, 1980; 51 FR 31304, Sept. 2, 1986]

§ 0.416 The Federal Communications Commission Record.

Texts adopted by the Commission or a member of its staff on delegated authority and made available to the public through the Office of Congressional and Public Affairs are published in the FCC Record. The FCC Record is published biweekly in pamphlet form. The pamphlets are available on a subscription basis from the Superintendent of Documents. Each biweekly pamphlet contains a table of contents and current index. A consolidated index is published on a periodic basis.

[51 FR 45889, Dec. 23, 1986]

§ 0.417 The Annual Reports.

At the end of each fiscal year, the Commission publishes an Annual Report containing general information concerning the Commission and the history of regulation, a summary of developments during the year, and selected industry statistics.

[32 FR 10571, July 19, 1967]

§ 0.420 Other Commission publications.

The following additional Commission publications may be purchased from the Superintendent of Documents:

(a) Statistics of Communications Common Carriers.

(b) Figure M-3, Estimated AM Ground Conductivity of the United States (set of two maps).

(c) Television Network Program Procurement Report, 2d Interim Report, Part 2, by the Office of Network Study.

[32 FR 10571, July 19, 1967, as amended at 44 FR 39180, July 5, 1979]

Forms and Documents Available Upon Request

§ 0.421 Application forms.

All forms for use in submitting applications for radio authorization, together with instructions and information as to filing such forms, may be obtained at the Washington offices of the Commission or at any of the field offices listed in § 0.121. For information concerning the forms to be used and filing requirements, see Subparts

D, E, F, and G, of Part 1 of this chapter and the appropriate substantive rules.

[40 FR 17254, Apr. 18, 1975]

§ 0.422 Current action documents and public notices.

A limited number of copies of the text of documents adopted by the Commission, public notices of Commission actions, and other public releases is made available at the Press and News Media Division when they are issued. Back issues of public releases are available for inspection in this office.

(47 U.S.C. 154, 155, 303)

[36 FR 15121, Aug. 13, 1971, as amended at 44 FR 12425, Mar. 7, 1979; 44 FR 70471, Dec. 7, 1979]

§ 0.423 Information bulletins.

A number of bulletins containing information about communications and the Federal Communications Commission have been prepared by the Commission for distribution to the public. A listing of these bulletins is included in ED Bulletin No. 1, "FCC Publications". Requests for bulletins should be directed to the Press and News Media Division.

(47 U.S.C. 154, 155, 303)

[36 FR 15121, Aug. 13, 1971, as amended at 44 FR 12425, Mar. 7, 1979; 44 FR 70471, Dec. 7, 1979]

LISTS CONTAINING INFORMATION COMPILED BY THE COMMISSION

§ 0.431 The FCC service frequency lists.

Lists of frequency assignments to radio stations authorized by the Commission are recapitulated periodically by means of an automated record system. All stations licensed by the Commission are included, except the following: Aircraft, amateur, personal (except General Mobile Radio Service), Civil Air Patrol, and disaster. The resulting documents, the FCC service frequency lists, consist of several volumes arranged by nature of service, in frequency order, including station locations, call signs and other technical particulars of each assignment. These documents are available for public inspection at each of the Commission's Field Operations Bureau field offices (see § 0.121) and, in Washington, D.C., in the Office of Engineering and Technology. Copies may be purchased from the Commission's duplicating contractor. See § 0.465(a).

[42 FR 8326, Feb. 9, 1977, as amended at 44 FR 39180, July 5, 1979; 51 FR 12615, Apr. 14, 1986]

§ 0.433 The radio equipment lists.

Lists of type approved and type accepted equipment (the radio equipment lists) are prepared periodically by the Commission. These documents are available for public inspection at each of the Commission's Field Operations Bureau field offices (see § 0.121) and in the Office of Engineering and Technology. Copies may be purchased from the Commission's duplicating contractor. See § 0.465(a).

[40 FR 17255, Apr. 18, 1975, as amended at 44 FR 39180, July 5, 1979; 51 FR 12615, Apr. 14, 1986]

§ 0.434 Data bases and lists of authorized broadcast stations and pending broadcast applications.

Periodically the FCC makes available copies of its data bases and lists containing information about authorized broadcast stations, pending applications for such stations, and rulemaking proceedings involving amendments to the TV and FM Table of Allotments. The data bases, and the lists prepared from the data bases, contain frequencies, station locations, and other particulars. The lists are available for public inspection at the FCC's Public Reference Room, Washington, DC. Paper copies of the lists may be purchased from the FCC's duplicating contractor; see § 0.465(a). Microfiche copies of the lists and the data bases themselves may be obtained from:

National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161.

(703) 487-4763 for data bases on magnetic tape.

(703) 487-4808 for data bases on diskette.

(703) 487-4630 for monthly subscription to microfiche lists.

(703) 487-4650 for one-time purchases of microfiche lists.

(a) For AM broadcast:

(1) Lists available only on paper from the Commission's duplicating contractor:

(i) Pending construction permit applications for new stations and changes in existing facilities in order by frequency.

(ii) Pending construction permit applications for new stations and changes in existing facilities in order by state and city.

(iii) Pending construction permit applications for new stations and changes in existing facilities in order by file number.

Complete lists are prepared approximately once each month, with updates at least once each week.

(2) Lists available only on microfiche from NTIS:

(i) AM stations in order by state (U.S. only); summary listing.

(ii) AM stations in order by frequency (U.S. only); summary listing.

(iii) AM stations in order by country and state; complete listing including all countries in Region 2, tower information, etc.

Complete lists are prepared approximately once each month; there are no updates.

(3) Copies of the AM Engineering Data Base are supplied to NTIS approximately once each month. NTIS refers to this as the "Broadcast AM Data Base."

(b) For FM Broadcast:

(1) Lists available only on paper from the Commission's duplicating contractor:

(i) FM stations (including translators) in order by state; complete lists available monthly, with updates at least once each week.

(ii) FM stations (including translators) in order by frequency; complete lists available monthly, with updates at least once each week.

(iii) Vacant FM channels and applications therefor in order by state; complete lists are available monthly; there are no updates.

(2) Lists available only on microfiche from NTIS:

(i) FM stations (including translators) in order by state.

(ii) FM stations (including translators) in order by frequency.

Complete lists are prepared approximately once each month; there are no updates.

(3) Copies of the FM Engineering Data Base are supplied to NTIS approximately once each month. NTIS refers to this as the "Broadcast FM Data Base."

(c) For TV stations, the lists are arranged as follows:

(1) Authorized stations, pending construction permit applications, proposed rulemakings, and vacant channels in order of state and city. A complete list is prepared approximately once a month, with updates approximately each week.

(2) Vacant assignments and applications therefor. The list is in order by state and city. Complete lists are prepared approximately once a month; there are no updates.

(d) For TV broadcast translator stations, the lists contain authorized stations and pending construction permit applications for new stations and changes in existing facilities. There is one list arranged in order by state, city, and channel; and another list arranged in order by state, channel, and call. Complete lists are prepared approximately once a month, with updates each week.

(e) Users of the data bases and the lists prepared from the data bases are cautioned that the data bases and the lists are unofficial. They have been prepared for the convenience of the FCC's staff, and should not be relied on by the public because in some instances the data bases and the lists may not agree with the primary sources of information (*e.g.*, official license documents, international notifications, actual applications, and the like). Action by the public, such as the filing of applications, should be based on the primary sources of information and not on the data bases or lists. If there are discrepancies between the primary sources of information and the data bases or lists, the former control.

(f) The United States and its officers, agents, and employees shall not be responsible or liable for any loss, expense, or damage arising from or incident to the use of either the data bases or the lists by the public.

[45 FR 41151, June 18, 1980, as amended at 53 FR 4412, Feb. 16, 1988]

PUBLIC INFORMATION AND INSPECTION OF RECORDS

§ 0.441 General.

Any person desiring to obtain information may do so by writing or coming in person to any of the Commission's offices. A broader range of information and more comprehensive information facilities are available at the Commission's main office in Washington, D.C., however, and inquiries of a general nature should ordinarily be submitted to that office.

[32 FR 10573, July 19, 1967]

§ 0.442 Disclosure to other Federal government agencies of information submitted to the Commission in confidence.

(a) The disclosure of records to other federal government agencies is generally governed by 44 U.S.C. 3512 and 3508(a) rather than the Freedom of Information Act. The acceptance of materials in confidence under § 0.457 or § 0.459 does not provide assurance against their disclosure to other agencies.

(b) Information submitted to the Commission in confidence pursuant to § 0.457(c) (2) and (3), (d) and (g) or § 0.459 will be disclosed to other agencies of the federal government upon request: *Provided* (1) Specific Commission assurances against such disclosure have not been given, (2) the other agency has established a legitimate need for the information, (3) disclosure is made subject to the provisions of 44 U.S.C. 3508(a), and (4) disclosure is not prohibited by the Privacy Act or other provisions of law.

(c) The Commission's staff may give assurances against disclosure of information to other federal agencies only with the prior written approval of the General Counsel. In no event will assurance against disclosure to other agencies be given in advance of submission of the information to the Commission if submission is required by statute or by the provisions of this chapter; but the notice provisions of paragraph (d) of this section will apply to such information.

(d)(1) Except as provided in paragraph (d)(2) of this section a party who furnished records to the Commission in confidence will be notified at the time that the request for disclosure is submitted and will be afforded 10 days in which to oppose disclosure.

(2) If the agency requesting the records states to the satisfaction of the Commission that notice to the party who furnished the records to the Commission will interfere unduly with its law enforcement activities and further states that it will notify that party of the Commission's disclosure once the potential for such interference is eliminated, the Commission will not give notice of disclosure.

(3) If notice is given to the party who furnished the records to the Commission in confidence and disclosure is not opposed, the staff is authorized to make the records available to the agency which requested them.

(4) If disclosure is opposed and the Commission decides to make the records available to the other agency, the party who furnished the records to the Commission will be afforded ten (10) working days from the date of the ruling in which to move for a judicial stay of the Commission's action. If he does not move for stay within this period, the records will be disclosed.

(e) Nothing in this section is intended to govern disclosure of information to Congress.

[44 FR 55575, Sept. 27, 1979; 44 FR 57096, Oct. 4, 1979]

§ 0.443 General information office.

The Press and News Media Division is located at 1919 M Street NW., Washington, D.C. Here the public may obtain copies of public notices of Commission actions, formal documents adopted by the Commission and other public releases as they are issued. Back issues of public releases are available for inspection in this office. Copies of fact sheets which answer general questions about the Commission may be obtained from this office.

[36 FR 15121, Aug. 13, 1971, as amended at 44 FR 12425, Mar. 7, 1979; 44 FR 70471, Dec. 7, 1979]

§ 0.445 Publication, availability and use of opinions, orders, policy statements, interpretations, administrative manuals, and staff instructions.

(a) Adjudicatory opinions and orders of the Commission, or its staff acting on delegated authority, are mailed to the parties, and as part of the record, are available for inspection in accordance with § 0.453 and § 0.455.

(b) Texts adopted by the Commission or a member of its staff on delegated authority and made available to the public through the Office of Congressional and Public Affairs are published in the FCC Record. Older materials of this nature are available in the FCC Reports. In the event that such older materials are not published in the FCC Reports, reference should be made to the FEDERAL REGISTER or Pike and Fischer Radio Regulation.

(c) All rulemaking documents are published in the FEDERAL REGISTER. Summaries of the full Notices of proposed rule making and other rule making decisions adopted by the Commission constitute rulemaking documents for purposes of FEDERAL REGISTER publication. See § 1.412(a)(1). The complete text of the Commission decision also is released by the Commission and is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC, or as otherwise specified in the rulemaking document published in the FEDERAL REGISTER. The complete texts of rulemaking decisions may also be purchased from the Commission's duplicating contractor.

(d) Formal policy statements and interpretations designed to have general applicability and legal effect are published in the FEDERAL REGISTER, the FCC Record, FCC Reports, or Pike and Fischer. Commission decisions and other Commission documents not entitled formal policy statements or interpretations may contain substantive interpretations and statements regarding policy, and these are published as part of the document in the FCC Record, FCC Reports or Pike and Fischer. General statements regarding policy and interpretations furnished to individuals, in correspondence or otherwise, are not ordinarily published.

(e) If the documents described in paragraphs (a) through (d) of this section are published in the FEDERAL REGISTER, the FCC Record, FCC Reports, or Pike and Fischer Radio Regulation, they may be relied upon, used or cited as precedent by the Commission or private parties in any manner. If they are not so published, they may not be relied upon, used or cited as precedent, except against persons who have actual notice of the document in question or by such persons against the Commission. No person is expected to comply with any requirement or policy of the Commission unless he has actual notice of that requirement or policy or a document stating it has been published as provided in this paragraph. Nothing in this paragraph, however, shall be construed as precluding a reference to the rationale set forth in a recent document that is pending publication if the requirment or policy to which the rationale relates is contained in a published document or if actual notice of that requirement or policy has been given.

(f) The FEDERAL REGISTER, the FCC Record, FCC Reports and Pike and Fischer Radio Regulation are indexed. If the documents described in paragraphs (a)–(d) of this section are not published, they are neither indexed nor relied upon, except as provided in paragraph (e) of this section.

(g) There are two Commission staff manuals, the FCC Administrative Manual and the FOB Manual. The FCC Administrative Manual (excepting Part IX, concerning Civil Defense, which contains materials classified under E.O. 10501) is available for inspection in the Office of the Managing Director. Portions of the FOB Manual which pertain to administrative matters are available for inspection in the Field Operations Bureau. Portions of the FOB Manual which pertain to enforcement matters are not available for inspection. The Manuals are not indexed but are organized by subject, with tables of contents, and the materials contained therein can be located without difficulty.

(h) Subparts A and B of this part describe the functions of the staff and list the matters on which authority has been delegated to the staff. Except as provided in paragraph (g) of this section, all general instructions to the staff and limitations upon its authority are set forth in those subparts. As part of the Commission's rules and regulations, the provisions of these subparts are indexed in the FEDERAL REGISTER and the Code of Federal Regulations. Instructions to the staff in particular matters or cases are privileged and are not published or made available for public inspection.

(i) To the extent required to prevent a clearly unwarranted invasion of personal privacy, the Commission may delete identifying details when it makes available or publishes any document described in this section. The justification for any such deletion will be fully explained in a preamble to the document.

[32 FR 10573, July 19, 1967, as amended at 40 FR 17255, Apr. 18, 1975; 50 FR 27953, July 9, 1985; 51 FR 7444, Mar. 4, 1986; 51 FR 45889, Dec. 23, 1986]

§ 0.451 Inspection of records: Generally.

(a) *Records which are routinely available for public inspection.* Sections 0.453 and 0.455 list those Commission records which are routinely available for public inspection and the places at which those records may be inspected. Procedures governing requests for inspection of such records are set out in § 0.460.

(b) *Records which are not routinely available for public inspection.* Records which are not listed in § 0.453 or § 0.455 are not routinely available for public inspection. Such records fall into two categories.

(1) The first category consists of those records or kinds of records listed in § 0.457 and of particular records withheld from public inspection under § 0.459. The Commission has determined that there is a statutory basis for withholding these records from public inspection. In some cases, the Commission is prohibited from permitting the inspection of records. In other cases, the records are the property of another agency, and the Commission has no authority to permit their inspection. In still other cases, the Commission is authorized, for reason of policy, to withhold records from inspection, but is not required to do so.

(2) The second category consists of records which are not listed in § 0.453, § 0.455, or § 0.457 and have not been withheld from inspection under § 0.459. In some cases, these records have not been identified for listing. In other cases (e.g., the general correspondence files), the Commission is unable to determine either that all records in a class should be routinely available for inspection or that all records in that class should not be routinely available for inspection, and individual determination is required.

(3) Procedures governing requests for inspection of these records are set out in § 0.461.

(4) Procedures governing demands by competent authority for inspection of these records are set out in § 0.463.

(5) Except as provided in §§ 0.461 and 0.463, no officer or employee of the Commission shall permit the inspection of records which are not routinely available for public inspection under § 0.453 or § 0.455, or disclose information contained therein.

(c) *Copies.* Section 0.465 applies to requests for copies of Commission records which are routinely available for public inspection under §§ 0.453 and 0.455 and those which are made available for inspection under § 0.461. Section 0.467 applies to requests for certified copies of Commission records.

(d) *Search fees.* Section 0.466 prescribes fees to cover the expense of searching for records made available for inspection under § 0.460 or § 0.461.

[40 FR 7313, Feb. 19, 1975]

§ 0.453 Public reference rooms.

The Commission maintains the following public reference rooms at its offices in Washington, D.C.:

(a) The *Mass Media and Dockets Reference Room.* The following documents, files and records are available for inspection at this location.

(1) Files containing the record of all docketed cases. A file is maintained for each docketed hearing case and for each docketed rule making proceeding. Cards summarizing the history of such cases are available for inspection in the Dockets Branch.

(2) Broadcast applications and related files.

(3) Files containing petitions for rule making and related papers.

(4) Rulings under the fairness doctrine and section 315 of the Communications Act, and related materials.

(b) [Reserved]

(c) *The Library.* Various legal and technical publications, and legislative history compilations, related to communications are available for inspection in the Library.

(d) *The Mass Media Bureau, Auxiliary Services Reference Room.* The following documents, files and records are available for inspection at this location.

(1) Station files containing applications for Remote Pickup, Aural STL/ICR, TV Auxiliary and Low Power Auxiliary Stations.

(2) International Broadcast applications and related files.

(3) FM Translator applications and related files.

(4) FM Booster station applications and related files.

(5) Cards summarizing the historical record of applications and dispositions through May 1982 are available for inspection.

(e) *The Mass Media Bureau, Enforcement Division Reference Room.* The following documents, files and records are available for inspection at this location.

(1) Station files containing Notice of Apparent Liability and Memorandum of Opinion and Order and related files.

(2) Congressional correspondence files and related materials.

(3) Network correspondence files and related materials.

(f) *The Common Carrier Bureau, Accounting and Audits Reference Room.* The following documents, files and records are available for inspection at this location.

(1) Files containing contracts between carriers and affiliates, accounts and subaccounts, pension filings, property records, disposition units, and depreciation rate filings.

(2) Computer II files and related materials.

(3) Official correspondence files which include waiver requests and interpretations and related files.

(4) Docket 86-111 Implementation filings containing Cost Allocation Manuals and related materials.

(g) *The Common Carrier Bureau, Domestic Facilities Reference Room.* The following documents, files and records are available for inspection at this location.

(1) Microwave Point-to-Point, Digital Electronic Message Service (DEMS), Multi-Point Distribution Service application files and related materials.

(2) Space and earth station files and related materials.

(3) Section 214 applications and related files.

(h) *The Common Carrier Bureau, Mobile Services Reference Room.* The following documents, files and records are available for inspection at two different locations. The Legal Branch is the responsible custodian for both locations.

(1) Station files containing a complete history of data submitted by the applicant that has been approved by the Commission which includes maps, diagrams, petitions, co-channel searches, and other background material.

(2) Pending files containing applications for additional facilities or modifications of existing facilities.

(3) Cellular Granted Station files and related materials.

(4) Pending cellular applications and related files.

(5) Petitions and related materials.

(i) *The Common Carrier Bureau, Industry Analysis Reference Room.* The following documents, files and records are available for inspection at this location.

(1) Files containing reports required by FCC Rules and Regulations, annual reports to stockholders, administrative reports, monthly bypass reports and related materials.

(2) Files containing reference material from major telephone companies.

(3) Files containing Local Exchange Rates and related files.

(j) *The Common Carrier Bureau Reference Room, Tariff Review Reference Room.* Contains currently effective tariffs filed by Communications Common Carriers pursuant to various FCC Rules and Regulations. Also available for review and copying are recent revisions to tariff filings and the Public Reference Room Log which is prepared daily and lists the tariff filings received the previous day.

(k) *The Office of Engineering and Technology, FCC Laboratory Reference Room.* The following documents, files and records are available for inspection at this location. Files containing approved applications for Equipment Authorization (Type accepted, type approved, certified and notified) and related materials are available for review. These files are available in the Commission's Laboratory in Columbia, Maryland.

(l) *The Private Radio Bureau Reference Room.* All authorizations in the Private Radio Services and files relating thereto, which includes Land Mobile, Microwave, Aviation Ground, Marine Coast applications. All of these materials are available in the Commission's offices in Gettysburg, Pennsylvania.

[32 FR 10573, July 19, 1967, as amended at 36 FR 15121, Aug. 13, 1971; 46 FR 27655, May 21, 1981; 50 FR 40014, Oct. 1, 1985; 52 FR 38764, Oct. 19, 1987]

§ 0.455 Other locations at which records may be inspected.

Except as provided in §§ 0.453, 0.457 and 0.459, records are routinely available for inspection in the offices of the Bureau or Office which exercises responsibility over the matters to which those records pertain (see § 0.5), or will be made available for inspection at those offices upon request. Upon inquiry to the appropriate Bureau or Office, persons desiring to inspect such records will be directed to the specific location at which the particular records may be inspected. A list of Bureaus and Offices and examples of the records available at each is set out below.

(a) *Mass Media Bureau* which includes the *Cable Television Branch*, the *Fairness/Political Programming Branch* and the *Audio Services Division*.

(1) Applications for broadcast authorizations and related files are available for public inspection in the Mass Media and Dockets Reference Room. See § 0.453(a)(2). Certain broadcast applications, reports and records are also available for inspection in the community in which the station is located or is proposed to be located. See §§ 73.3526 and 73.3527.

(2) Ownership reports filed by licensees of broadcast stations pursuant to § 73.3615.

(3) Network affiliation contracts between stations and networks (for television stations only).

(4) Contracts relating to network service to broadcast licensees filed on or after the 1st day of May 1969 under § 73.3613.

(5) Annual employment reports filed by licensees and permittees of broadbroadcast stations pursuant to § 73.3612.

(6) Cable TV system reports filed by operators pursuant to § 76.403.

(7) Contract files which contain pledges, trust agreements, options to purchase stock agreements, partnership agreements, management consultant agreements, and mortgage or loan agreements.

(8) Rulings under the Fairness Doctrine and section 315 of the Communications Act, and related materials.

(9) Ruling lists which contain brief summaries of rulings.

(10) Files containing Station History cards for stations in existence prior to 1982.

(b) *Common Carrier Bureau* which includes the *Formal Complaints and Investigations Branch* and the *Informal Complaints and Public Inquiries Branch*.

(1) Annual reports filed by carriers under § 43.21 of this chapter.

(2) Monthly reports filed by carriers under § 43.31 of this chapter.

(3) Reports on pensions and benefits filed by carriers under § 43.42 of this chapter.

(4) Reports of proposed changes in depreciation rates filed by carriers under § 43.43 of this chapter.

(5) Reports regarding division of international telegraph communications charges filed under § 43.53 of this chapter.

(6) Reports regarding services performed by telegraph carriers filed under § 43.54 of this chapter.

(7) Reports of public coast station operators filed under § 43.71 of this chapter.

(8) Valuation reports filed under section 213 of the Communications Act, including exhibits filed in connection therewith, unless otherwise ordered by the Commission, with reasons therefor, pursuant to section 213(f) of the Communications Act. See § 0.457(c)(2).

(9) A list of other reports filed by common carriers.

(10) Contracts and other arrangements filed under § 43.51 and reports of negotiations regarding foreign communication matters filed under § 43.52 of this chapter, except for those kept confidential by the Commission pursuant to section 412 of the Communications Act. See § 0.457(c)(3).

(11) Tariff schedules for all charges for interstate and foreign wire or radio communications filed pursuant to section 203 of the Communications Act, all documents filed in connection therewith, and all communications related thereto.

(12) All applications for common carrier authorizations, both radio and nonradio, and files relating thereto.

(13) All formal and informal complaints against common carriers filed under §§ 1.711 through 1.735 of this chapter, all documents filed in connection therewith, and all comunications related thereto.

(14) Files relating to submarine cable landing licenses, except for maps showing the exact location of submarine cables, which are withheld from inspection under section 4(j) of the Communications Act. See § 0.457(c)(1)(i).

(15) Annual employment reports filed by common carrier licensees or permittees pursuant to § 1.815 of this chapter.

(16) Enforcement proceedings and public inquiries and related materials.

(c) *Office of Managing Director.* (1) All minutes of Commission actions, containing a record of all final votes, minutes of actions and internal management matters as provided in § 0.457(b)(1) and (c)(1)(i). These records and files are available for inspection in the Agenda Branch.

(2) Files containing information concerning the history of the Commission's rules. These files are available for inspection in the Publications Branch.

(3) See § 0.443.

(4) Reports filed pursuant to Subpart E of Part 19 of this chapter and applications for inspection of such reports. See § 0.460(k).

(d) *Field Operations Bureau.* See § 0.457(f)(3) of this chapter. Commercial radio operator application files are available for inspection at this location.

(e) *Office of Engineering and Technology* which includes the Bureau's *Technical Library* containing technical reports, technical journals, and bulletins of spectrum management and related technical materials.

(1) Experimental application and license files.

(2) The Master Frequency Records.

(3) Applications for Equipment Authorization (type accepted, type approval, certification, or advance approval of subscription television systems), following the effective date of the authorization. See § 0.457(d)(1)(ii). (Application files, technical journals and other technical materials are maintained at the Commission's Laboratory at Columbia, Maryland.)

(f) *The Commission's offices in Gettysburg, Pennsylvania.* See § 0.453(1) of the this chapter.

[52 FR 38765, Oct. 19, 1987; 52 FR 40020, Oct. 26, 1987]

§ 0.457 Records not routinely available for public inspection.

The records listed in this section are not routinely available for public inspection. The records are listed in this section by category, according to the statutory basis for withholding those records from inspection; and under each category, if appropriate, the underlying policy considerations affecting the withholding and disclosure of records in that category are briefly outlined. Except where the records are not the property of the Commission or where the disclosure of those records is prohibited by law, the Commission will entertain requests from members of the public under § 0.461 for permission to inspect particular records withheld from inspection under the provisions of this section, and will weigh the policy considerations favoring nondisclosure against the reasons cited for permitting inspection in the light of the facts of the particular case. In making such requests, it is important to appreciate that there may be more than one basis for withholding particular records from inspection. The listing of records by category is not intended to imply the contrary but is solely for the information and assistance of persons making such requests. Requests to inspect or copy the transcripts, recordings or minutes of agency or advisory committee meetings will be considered under § 0.603 rather than under the provisions of this section.

(a) *Materials that are specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order, 5 U.S.C. 552(b)(1).* (1) E.O. 10450, "Security Requirements for Government Employees," 18 FR 2489, April 27, 1953, 3 CFR, 1949-1953 Comp., p. 936. Pursuant to the provisions of E.O. 10450, reports and other material and information developed in security investigations are the property of the investigative agency. If they are retained by the Commission, it is required that they be maintained in confidence and that no access be given to them without the consent of the investigative agency. Such materials and information will not be made available for public inspection. See also paragraphs (f) and (g) of this section.

(2) E.O. 10501, "Safeguarding Official Information in the Interests of the Defense of the United States," 18 FR 7049, November 10, 1953, as amended, 3 CFR, 1965 ed., p. 450. E.O. 10501, as amended, provides for the classification of official information which requires protection in the interests of national defense, and prohibits the disclosure of classified information except as provided therein. Classified materials and information will not be made available for public inspection. See also, E.O. 10033, February 8, 1949, 14 FR 561, 3 CFR, 1949-1953 Comp., p. 226, and 47 U.S.C. 154(j).

(b) *Materials that are related solely to the internal personnel rules and practices of the Commission, 5 U.S.C. 552(b)(2).* (1) Materials related solely to internal management matters, including minutes of Commission actions on such matters. Such materials may be made available for inspection under § 0.461, however, unless their disclosure would interfere with or prejudice the performance of the internal management functions to which they relate, or unless their disclosure would constitute a clearly unwarranted invasion of personal privacy (see paragraph (f) of this section).

(2) Materials relating to the negotiation of contracts.

(3) All materials used in conducting radio operator examinations, including test booklets, Morse Code tapes, and scoring masks.

(c) Materials that are specifically exempted from disclosure by statute (other than the Government in the Sunshine Act, 5 U.S.C. 552b): *Provided,* That such statute (1) requires that the materials be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of materials to be withheld. The Commission is authorized under the following statutory provisions to withhold materials from public inspection.

(1) Section 4(j) of the Communications Act, 47 U.S.C. 154(j), provides, in part, that, "The Commission is authorized to withhold publication of records or proceedings containing secret information affecting the national defense." Pursuant to that provision, it has been determined that the following materials should be withheld from public inspection (see also paragraph (a) of this section):

(i) Maps showing the exact location of submarine cables.

(ii) Minutes of Commission actions on classified matters.

(iii) Maps of nation-wide point-to-point microwave networks.

(2) Under section 213(f) of the Communications Act, 47 U.S.C. 213(f), the Commission is authorized to order, with the reasons therefor, that records and data pertaining to the valuation of the property of common carriers and furnished to the Commission by the carriers pursuant to the provisions of that section, shall not be available for public inspection. If such an order

has been issued, the data and records will be withheld from public inspection, except under the provisions of § 0.461. Normally, however, such data and information is available for inspection. See § 0.455(c) (8).

(3) Under section 412 of the Communications Act, 47 U.S.C. 412, the Commission may withhold from public inspection certain contracts, agreements and arrangements between common carriers relating to foreign wire or radio communication. Reports of negotiations regarding such foreign communication matters, filed by carriers under § 43.52 of this chapter, may also be withheld from public inspection under section 412. Any person may file a petition requesting that such materials be withheld from public inspection. To support such action, the petition must show that the contract, agreement or arrangement relates to foreign wire or radio communications; that its publication would place American communication companies at a disadvantage in meeting the competition of foreign communication companies; and that the public interest would be served by keeping its terms confidential. If the Commission orders that such materials be kept confidential, they will be made available for inspection only under the provisions of § 0.461.

(4) Section 605 of the Communications Act, 47 U.S.C. 605, provides, in part, that, "no person not being authorized by the sender shall intercept any communication [by wire or radio] and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communications to any person." In executing its responsibilities, the Commission regularly monitors radio transmissions (see § 0.116). Except as required for the enforcement of the communications laws, treaties and the provisions of this chapter, or as authorized in section 605, the Commission is prohibited from divulging information obtained in the course of these monitoring activities; and such information, and materials relating thereto, will not be made available for public inspection.

(5) Section 1905 of the Criminal Code, 18 U.S.C. 1905, prohibits the unauthorized disclosure of certain confidential information. See paragraph (d) of this section.

(d) *Trade secrets and commercial or financial information obtained from any person and privileged or confidential, 5 U.S.C. 552(b)(4) and 18 U.S.C. 1905.* Section 552(b)(4) is specifically applicable to trade secrets and commercial or financial information but is not limited to such matters. Under this provision, the Commission is authorized to withhold from public inspection materials which would be privileged as a matter of law if retained by the person who submitted them, and materials which would not customarily be released to the public by that person, whether or not such materials are protected from disclosure by a privilege. See, Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act, June 1967, at pages 32-34.

(1) The materials listed in this subparagraph have been accepted, or are being accepted, by the Commission on a confidential basis pursuant to 5 U.S.C. 552(b)(4). To the extent indicated in each case, the materials are not routinely available for public inspection. If the protection afforded is sufficient, it is unnecessary for persons submitting such materials to submit therewith a request for non-disclosure pursuant to § 0.459. A persuasive showing as to the reasons for inspection will be required in requests for inspection of such materials submitted under § 0.461.

(i) Financial reports submitted by licensees of broadcast stations pursuant to § 1.611 of this chapter or by radio and television networks are not routinely available for public inspection. (Fees paid upon consummation of the assignment or transfer of a broadcast station license, pursuant to § 1.1111 of this chapter, are computed from information contained in financial reports submitted pursuant to § 1.611. Information and correspondence concerning such computations are not routinely available for public inspection.)

(ii) Applications for equipment authorizations (type acceptance, type approval, certification, or advance approval of subscription television systems), and materials relating to such applications, are not routinely available for public inspection prior to the effective date of the authorization. The effective date of the authorization will, upon request, be deferred to a date no earlier than that specified by the applicant. Following the effective date of the authorization, the application and related materials (including technical specifications and test measurements) will be made available for inspection upon request (see § 0.460).

(iii) Schedules 2, 3, and 4 of financial reports submitted for cable television systems pursuant to § 76.403 of this chapter.

(iv) Annual fee computation forms submitted for cable television systems pursuant to § 76.406 of this chapter.

(2) Prior to July 4, 1967, the rules and regulations provided that certain materials submitted to the Commission would not be made available for public inspection or provided assurance, in varying degrees, that requests for nondisclosure of certain materials would be honored. See, e.g., 47 CFR (1966 ed.) 0.417, 2.557, 5.204, 5.255, 15.70, 21.406, 80.33, 87.153, 89.215, 91.208, 91.605 and 93.208. Materials submitted under these provisions are not routinely available for public inspection. To the extent that such materials were accepted on a confidential basis under the then existing rules, they are not routinely available for public inspection. The rules cited in this subdivision were superseded by the provisions of this paragraph, effective July 4, 1967. Equipment authorization information accepted on a confidential basis between July 4, 1967 and March 25, 1974, will not be routinely available for inspection and a persuasive showing as to the reasons for inspection of such information will be required in requests for inspection of such materials submitted under § 0.461.

(i) Unless the materials to be submitted are listed in paragraph (d)(1) of this section and the protection thereby afforded is adequate, it is important for any person who submits materials which he wishes withheld from public inspection under 5 U.S.C. 552(b)(4) to submit therewith a request for non-disclosure pursuant to § 0.459. If it is shown in the request that the materials contain trade secrets or commercial, financial or technical data which would customarily be guarded from competitors, the materials will not be made routinely available for inspection; and a persuasive showing as to the reasons for inspection will be required in requests for inspection submitted under § 0.461. In the absence of a request for non-disclosure, the Commission may, in the unusual instance, determine on its own motion that the materials should not be routinely available for public inspection. Ordinarily, however, in the absence of such a request, materials which are submitted will be made available for inspection upon request pursuant to § 0.461, even though some question may be present as to whether they contain trade secrets or like matter.

(e) *Interagency and intra-agency memorandums or letters, 5 U.S.C. 552(b)(5).* Interagency and intra-agency memorandums or letters and the work papers of members of the Commission or its staff will not be made available for public inspection, except in accordance with the procedures set forth in § 0.461. Only if it is shown in a request under § 0.461 that such a communication would be routinely available to a private party through the discovery process in litigation with the Commission will the communication be made available for public inspection. Normally such papers are privileged and not available to private parties through the discovery process, since their disclosure would tend to restrain the commitment of ideas to writing, would tend to inhibit communication among Government personnel, and would, in some cases, involve premature disclosure of their contents.

(f) *Personnel, medical and other files whose disclosure would constitute a clearly unwarranted invasion of personal privacy, 5 U.S.C. 552(b)(6).* (1) Under Executive Order 10561, 19 FR 5963, September 13, 1954, 3 CFR 1954-1958 Comp., page 205, the Commission maintains an Official Personnel Folder for each of its employees. Such folders are under the jurisdiction and control, and are a part of the records, of the U.S. Office of Personnel Management. Except as provided in the rules of the Office of Personnel Management (5 CFR 294.701-294.703), such folders will not be made available for public inspection by the Commission. In addition, other records of the Commission containing private, personal or financial information concerning particular employees will be withheld from public inspection.

(2) [Reserved]

(3) Information submitted to the Commission by applicants for commercial radio operator licenses concerning the character and mental or physical health of the applicant is available for inspection only under procedures set forth in § 0.461. Except in this respect, or where other aspects of a similar private nature warrant nondisclosure, commercial radio operator application files are available for inspection.

(g) *Investigatory records compiled for law enforcement purposes, to the extent that production of such records would:*

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion of personal privacy;

(4) Disclose the identity of a confidential source;

(5) Disclose investigative techniques or procedures; or

(6) Endanger the life or physical safety of law enforcement personnel, 5 U.S.C. 552(b)(7).

[32 FR 10573, July 19, 1967, as amended at 32 FR 12180, Aug. 24, 1967; 39 FR 5918, Feb. 14, 1974; 39 FR 27802, Aug. 1, 1974; 40 FR 7313, Feb. 19, 1975; 40 FR 17255, Apr. 18, 1975; 40 FR 34116, Aug. 14, 1975; 40 FR 39507, Aug. 28, 1975; 42 FR 12867, Mar. 7, 1977; 43 FR 51794, Nov. 7, 1978; 45 FR 39850, June 12, 1980; 51 FR 31304, Sept. 2, 1986]

§ 0.459 Requests that materials or information submitted to the Commission be withheld from public inspection.

(a) Any person submitting information or materials to the Commission may submit therewith a request that such information not be made routinely available for public inspection. (If the materials are specifically listed in § 0.457, such a request is unnecessary.) A copy of the request shall be attached to and shall cover all of the materials to which it applies and all copies of those materials. If feasible, the materials to which the request applies shall be physically separated from any materials to which the request does not apply; if this is not feasible, the portion of the materials to which the request applies shall be identified.

(b) Each such request shall contain a statement of the reasons for withholding the materials from inspection (see § 0.457) and of the facts upon which those reasons are based. If the request is that the materials be withheld from inspection for a limited period of time, that period shall be specified.

(c) Casual requests which do not comply with the requirements of paragraphs (a) and (b) of this section will not be considered.

(d) Requests which comply with the requirements of paragraphs (a) and (b) of this section will be acted on by the appropriate Bureau or Office Chief, who is directed to grant the request if it presents by a preponderance of the evidence a case for non-disclosure consistent with the provisions of the Freedom of Information Act, 5 U.S.C. 552. If the request is granted, the ruling will be placed in a public file in lieu of the materials withheld from public inspection. A copy of the ruling shall be forwarded to the General Counsel.

(e) If the materials are submitted voluntarily (i.e., absent any direction by the Commission), the person submitting them may request the Commission to return the materials without consideration if the request for confidentiality should be denied. In that event, the materials will ordinarily be returned (e.g., an application will be returned if it cannot be considered on a confidential basis); only in the unusual instance where the public interest so requires will the materials be made available for public inspection. If submission of the materials is required by the Commission and the request for confidentiality is denied, the materials will be made available for public inspection.

(f) If no request for confidentiality is submitted, the Commission assumes no obligation to consider the need for non-disclosure but, in the unusual instance, may determine on its own motion that the materials should be withheld from public inspection. See § 0.457(g).

(g) If a request for confidentiality is denied, the person who submitted the request may, within 5 working days, file an application for review by the Commission. If the application for review is denied, the person who submitted the request will be afforded 5 working days in which to seek a judicial stay of the ruling. If these periods expire without action by the person who submitted the request, the materials will be returned to the person who submitted them or will be placed in a public file. Notice of denial and of the time for seeking review or a judicial stay will be given by telephone, with follow-up notice in writing. The first day to be counted in computing the time periods established in this subsection is the day after the date of oral notice.

(h) If the request is granted, the status of the materials is the same as that of materials listed in § 0.457. Any person wishing to inspect them may submit a request for inspection under § 0.461.

[40 FR 7313, Feb. 19, 1975, as amended at 49 FR 21719, May 23, 1984; 55 FR 8951, Mar. 9, 1990]

§ 0.460 Requests for inspection of records which are routinely available for public inspection.

(a) Sections 0.453 and 0.455 list those Commission records which are routinely available for public inspection and the places at which those records may be inspected. Subject to the limitations set out in this section and to the provisions of § 0.466 and paragraph (k) of this section, a person who wants to inspect such records need only appear at the specified location and ask to see the records.

(b) A person who does not want a copy of the records must appear at the specified location during the office hours of the Commission and must inspect the records at that location. (Procedures governing requests for copies are set out in § 0.465.) However, arrangements may be made in advance, by telephone or by correspondence, to make the records available for inspection on a particular date, and there are many circumstances in which such advance arrangements will save inconvenience. If the request is for a large number of documents, for example, a delay in collecting them is predictable. Current records may be in use by the staff when the request is made. Older records may have been forwarded to another location for storage.

(c) The records in question must be reasonably described by the person requesting them so as to permit their location by staff personnel. The information needed to locate the records will vary, depending on the records requested. Advice concerning the kind of information needed to locate particular records will be furnished in advance upon request. Members of the public will not be given access to the area in which records are kept and will not be permitted to search the files.

(d) If it appears that there will be an appreciable delay in locating or producing the records (as where a large number of documents is the subject of a single request or where an extended search for a document appears to be necessary), the request shall be submitted in writing, either in person or by mail.

(e) Written requests shall be captioned "REQUEST FOR INSPECTION OF RECORDS", shall be dated, shall list the telephone number (if any) of the person making the request and for each document requested, shall set out all information known to the person making the request which would be helpful in identifying and locating the document. Written requests shall, in addition, specify the maximum search fee the person making the request is prepared to pay. (see § 0.467)

(f) Written requests shall be delivered or mailed directly to the chief of the organizational unit having custody of the records, as listed in §§ 0.453 and 0.455. If the request is enclosed in an envelope, the envelope shall be marked, "REQUEST FOR INSPECTION OF RECORDS."

(g) When a written request is received by the custodian of the records, it will be date-stamped.

(h) All requests limited to records listed in §§ 0.453 and 0.455 will be granted, subject to paragraph (k) of this section. Requests for records listed in those sections shall not be combined with requests for other records.

(i) The records will be produced for inspection at the earliest possible time.

(j) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage and additional charges may be imposed for again producing them.

(k) In addition to the other requirements of this section, the following provisions apply to the reports filed with the Commission pursuant to Subpart E of Part 19 of this chapter.

(1) Such reports shall not be obtained or used: (i) For any unlawful purpose; (ii) for any commercial purpose, other than by news and communications media for dissemination to the general public; (iii) for determinng or establishing the credit rating of any individual; or (iv) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(2) Such reports may not be made available to any person nor may any copy thereof be provided to any person except upon a written applicaion by such person stating: (i) That person's name, occupation and address; (ii) the name and address of any other person or organization on whose behalf the inspection or copying is requested; and (iii) that such person is aware of the prohibitions on the obaining or use of the report. Further, any such application for inspection hall be made available to the public hroughout the period during which he report itself is made available to he public.

Secs. 4, 303, 307, 48 Stat., as amended, 1066, 082, 1083; 47 U.S.C. 154, 303, 397; 18 U.S.C. 07(j))

40 FR 7314, Feb. 19, 1975, as amended at 45 FR 85027, Dec. 24, 1980; 48 FR 44800, Sept. 0, 1983; 53 FR 39093, Oct. 5, 1988]

§ 0.461 Requests for inspection of materials not routinely available for public inspection.

Any person desiring to inspect Commission records which are not listed in § 0.453 or § 0.455 shall file a request for inspection meeting the requirements of this section.

(a) The records in question must be reasonably described by the person requesting them, so as to permit their location by staff personnel. See § 0.460(c).

(b)(1) Requests shall be captioned "Freedom of Information Act Request," shall be dated, shall list the telephone number (if any) of the person making the request and, for each document requested, shall set out all information known to the person making the request which would be helpful in identifying and locating the document.

(2) The request shall, in addition, specify the maximum search fee the person making the request is prepared to pay (see § 0.467).

(c) If the records are of the kinds listed in § 0.457 or if they have been withheld from inspection under § 0.459, the request shall, in addition, contain a statement of the reasons for inspection and the facts in support thereof. In the case of other materials, no such statement need accompany the request; but the custodian of the records may require the submission of such a statement if he determines that the materials in question may lawfully be withheld from inspection.

(d)(1) Requests shall be delivered or mailed to the Managing Director. (For purposes of this section, the custodian of the records is the Chief of the appropriate Bureau or Office.)

(2) If the request is enclosed in an envelope, the envelope shall be marked, "Freedom of Information Act Request."

(3) An original and two copies of the request shall be submitted. If the request is for materials not open to routine public inspection under § 0.457(d) or § 0.459, one copy of the request will be mailed by the custodian of the records to the person who originally submitted the materials to the Commission.

(e) When the request is received by the Managing Director, it will be assigned to the Freedom of Information Act (FOIA) Control Office, where it will be date-stamped and assigned to the custodian of the records.

(f) Requests for inspection of records will be acted on as follows by the custodian of the records.

(1) If the Commission is prohibited from disclosing the records in question, the request for inspection will be denied with a statement setting forth the specific grounds for denial.

(2) If the records are the property of another agency, the request will be referred to that agency and the person who submitted the request will be so advised, with the reasons therefor.

(3) If it is determined that the Commission does not have authority to withhold the records from public inspection, the request will be granted.

(4) If it is determined that the Commission does have authority to withhold the records from public inspection, the considerations favoring disclosure and non-disclosure will be weighed in light of the facts presented, and the request will be granted, either conditionally or unconditionally, or denied.

(5) If there is a statutory basis for withholding part of a document only from inspection, that part will be deleted and the remainder will be made available for inspection.

(6) In locating and recovering records responsive to a FOIA request, only those records within the Commission's possession and control as of the date of its receipt of the request shall be considered.

(g) The custodian of the records will make every effort to act on the request within 10 working days after it is received by the FOIA Control Office. If it is not possible to locate the records and to determine whether they should be made available for inspection within 10 working days, the custodian may, in any of the following circumstances, extend the time for action by up to 10 working days:

(1) It is necessary to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) It is necessary to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) It is necessary to consult with another agency having a substantial interest in the determination of the request or among two or more components of the Commission.

If these circumstances are not present or if it is not possible to locate the records and make the determination within the extended period, the person or persons who made the request will be advised of their rights and asked to consent to an extension or further extension. If the requestor agrees to an extension, the custodian of the records will confirm the agreement in a letter specifying the length of the agreed-upon extension. If he does not agree to an extension, the request will be denied, on the grounds that the custodian has not been able to locate the records and/or to make the determination within the period for a ruling mandated by the Freedom of Information Act, 4 U.S.C. 552. In that event, the custodian will continue to search for and/or assess the records and will advise the person who made the request of further developments; but that person may file an application for review by the Commission. When action is taken by the custodian of the records, written notice of the action will be given.

(h)(1) If a request for inspection of records submitted to the Commission in confidence under § 0.457(d) or § 0.459 is granted, an application for review of the action may be filed only by the person who submitted the records to the Commission. The application for review and the envelope containing it (if any) shall be captioned "Review of Freedom of Information Action." The application for review shall be filed within 10 working days after the date of the written ruling, shall be delivered or mailed to the General Counsel, and shall be served on the person who filed the request for inspection of records. The first day to be counted in computing the time period for filing the application for review is the day after the date of the written ruling. If an application for review is not filed within this period, the records will be produced for inspection. The person who filed the request for inspection of records may respond to the application for review within 10 working days after it is filed.

(2) If the request for inspection of records submitted to the Commission in confidence under § 0.457(d) or § 0.459 is partially granted and partially denied, the person who submitted the records to the Commission and the person who filed the request for inspection of those records may file an application for review within the 10 working days after the date of the written ruling. The application for review and the envelope containing it (if any) shall be captioned "REVIEW OF FREEDOM OF INFORMATION ACTION." The application for review shall be delivered or mailed to the General Counsel. If either person files an application for review, it shall be served upon the other person.

(3) If the application for review filed by either person is denied, that person will be notified in writing and advised of their rights.

(4) If an application for review filed by the person who submitted the records to the Commission is denied, or if the records are made available on review which were not initially made available, the person who submitted the records to the Commission will be afforded 10 working days from the date of the written ruling in which to move for a judicial stay of the Commission's action. The first day to be counted in computing the time period for seeking a judicial stay is the day after the date of the written ruling. If a motion for stay is not made within this period, the record will be produced for inspection.

(5) Because of the statutory constraints imposed upon the Commission, no extensions of time will be granted to seek either Commission review or a judicial stay.

(i) Except as provided in paragraph (h) of this section, an application for review of an initial action on a request for inspection may be filed only by the person who made the request. The application shall be filed within 30 days after the date of the written ruling by the custodian of records, and shall be captioned, "Review of Freedom of Information Action." The envelope (if any) shall also be so captioned. The application shall be delivered or mailed to the General Counsel and shall be served on the person (if any) who originally submitted the materials to the Commission. That person may file a response within 10 working days after the application for review is filed. If the records are made available on review, the person who submitted them to the Commission (if any) will be afforded 10 working days after the date of the written ruling to seek a judicial stay. *See* paragraph (h) of this section. The first day to be counted in computing the time period for filing the application for review or seeking a judicial stay is the day after the date of the written ruling. (For general procedures relating to applications for review, *see* § 1.115 of this chapter.)

(j) [Reserved]

(k) The Commission will make every effort to act on an application for review of an action on a request for inspection of records within 20 working days after it is filed. See, however, paragraph (h)(2) of this section. If it is not possible to locate the records and to determine whether they should be made available for inspection within 20 working days, the General Counsel may, in the following circumstances and to the extent time has not been extended under paragraphs (g) (1), (2), and (3) of this section, extend the time for action up to 10 working days. (The total period of extensions taken under this paragraph and under paragrah (g) of this section without the consent of the person who submitted the request shall not exceed 10 working days.):

(1) It is necessary to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) It is necessary to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) It is necessary to consult with another agency having a substantial interest in the determination of the re-

quest or among two or more components of the Commission.

If these circumstances are not present or if it is not possible to locate the records and make the determination within the extended period, the person who made the request will be advised of his/her rights and asked to consent to an extension or further extension. If the requester or person who made the request agrees to an extension, the General Counsel will confirm the agreement in a letter specifying the length of the agreed-upon extension. If the requestor or person who made the request does not agree to an extension, the Commission will continue to search for and/or assess the record and will advise the person who made the request of further developments; but that person may file a complaint in an appropriate United States district court.

(l) Subject to the application for review and judicial stay provisions of paragraphs (h) and (i) of this section, if the request is granted, the records will be produced for inspection at the earliest possible time.

(m) Staff orders and letters denying requests for inspection are signed by the official (or officials) who give final approval of their contents. If a request is denied by the Commission, notice of denial will set forth the names of the Commissioners participating in the decision.

(n) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage, and additional charges may be imposed for again producing them.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397; 47 FR 0.231(d))

[40 FR 39507, Aug. 28, 1975, as amended at 40 FR 59439, Dec. 24, 1975; 45 FR 85028, Dec. 24, 1980; 49 FR 13367, Apr. 4, 1984; 49 FR 38122, Sept. 27, 1984; 53 FR 39093, Oct. 5, 1988; 55 FR 8951, Mar. 9, 1990; 55 FR 9445, Mar. 14, 1990]

§ 0.463 Demand by competent authority for the production of documents or testimony concerning information contained therein.

(a) In the event that a demand (subpoena, order or other demand) is made by a court or other competent authority outside the Commission for the production of records or files or for testimony concerning information contained therein, the Managing Director shall promptly be advised of such demand, the nature of the papers or information sought, and all other relevant facts and circumstances. The Commissioin will thereupon issue such instructions as it may deem advisable.

(b) Unless specifically authorized to produce such records or files or to testify with respect thereto, any officer or employee of the Commission who is served with a demand for the production of records or files or testimony concerning the same, shall appear in response to the demand and respectfully decline to produce such records or files or to testify concerning them, basing the refusal upon this rule.

(Secs. 4(i), 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[49 FR 13367, Apr. 4, 1984]

§ 0.465 Request for copies of materials which are available, or made available, for public inspection.

(a) The Commission awards a contract to a commercial duplication firm to make copies of Commission records and offer them for sale to the public. In addition to the charge for copying, the contractor may charge a search fee for extracting the requested documents from the Commission's files.

NOTE: The name, address, telephone number, and schedule of fees for the current duplication contractor are published annually at the time of contract award or renewal in a Public Notice. This information may be obtained from the Office of Congressional and Public Affairs, Consumer Assistance and Small Business Division, Telephone (202) 632-7000.

(b) The Commission awards a contract to a commercial firm to transcribe Commission proceedings in which a verbatim record is kept and to offer copies of the transcript for sale

o the public. Except as authorized by
he Commission, the firm is required
o retain the capacity to furnish copies
f the transcript for a period of 5
ears, and may retain that capacity
or a longer period, even though an-
ther firm is currently transcribing
ommission proceedings. Requests for
opies of the transcript of the current
roceedings should be directed to the
urrent contractor. Requests for tran-
cripts of older proceedings will be for-
arded by the Commission to the firm
hich made the transcript in question;
nd the names of contracting firms for
ast years will be furnished upon re-
uest.

NOTE: The name, address, telephone
umber, and schedule of fees for the cur-
nt transcription contractor are published
nually at the time of contract award or
newal in a Public Notice. This information
ay be obtained from the Office of Con-
essional and Public Affairs, Consumer As-
stance and Small Business Division, Tele-
one (202) 632-7000.

(c)(1) Contractual arrangements
nich have been entered into with
mmercial firms, as described in this
ction, do not in any way limit the
ght of the public to inspect Commis-
on records or to extract therefrom
natever information may be desired.
oin-operated copy machines are
ailable for use by the public in vari-
s reference rooms for the purpose of
plicating records available at those
cations. In addition, any person may
ake photocopies of Commission
cords with his or her own equipment
locations where those records may
inspected. Prior approval for such
rangements, which must be obtained
om the Operations Support Division,
ffice of Managing Director, is subject
the availabilty of adequate space
d facilities to accommodate the
er's equipment.

2) The Commission has reserved
e right to make copies of its records
its own use or for the use of other
encies of the U.S. Government.
hen it serves the regulatory or fi-
ncial interests of the U.S. Govern-
ent, the Commission will make and
rnish copies of its records free of
arge. In other circumstances, how-
er, if it should be necessary for the
mmission to make and furnish
pies of its records for the use of others, the fee for this service shall be 17 cents per page. For copies prepared with other media, such as computer tapes, microfiche or videotape, the charge will be the actual direct cost including operator time. Requests for copying should be accompanied by a statement specifying the maximum copying fee the person making the request is prepared to pay. If the Commission estimates that copying charges are likely to exceed $25 or the amount which the requester has indicated that he/she is prepared to pay, then it shall notify the requester of the estimated amount of fees. Such a notice shall offer the requester the opportunity to confer with Commission personnel with the object of revising or clarifying the request.

NOTE: The criterion considered in acting on a waiver request is whether "waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public." 5 U.S.C. 552(a)(4)(A). The following factors are relevant in applying that criterion: the number of persons to be benefited, the significance of the benefit, the private interest of the requester which the release may further, the usefulness of the materials to be released to the general public and the likelihood that a tangible public benefit will be realized. (See Attorney General's 1974 FOI Amdts. Memorandum, at 15.)

(3) Requests for copies by representatives of foreign governments or persons residing in foreign countries shall be submitted to the General Counsel and will be reviewed by the General Counsel under criteria established by the Department of Commerce for controlling the export of technical data.

(4) Certified Documents. Copies of documents which are available or made available, for inspection under §§ 0.451 through 0.465, will be prepared and certified, under seal, by the Secretary, or for documents located in the Commission's Gettysburg, Pennsylvania Office by his deputy. Requests shall be in writing, specifying the exact documents, the number of copies desired, and the date on which they will be required. The request shall allow a reasonable time for the preparation and certification of copies. The fee for preparing copies shall be

the same as that charged by the Commission as described in § 0.465(c)(2). The fee for certification shall be $10 for each document.

(d)(1) Copies of computer maintained data bases produced by the Commission may be obtained from the National Technical Information Service (NTIS), Department of Commerce, in the form of machine-readable media, e.g., magnetic tapes, microfiche, or diskettes. These materials are not available to the general public directly from the Commission. Data bases produced on magnetic tape and microfiche by the Commission are listed in two catalogs which may be obtained from NTIS. Extracts from these catalogs pertaining to the Commission are available without charge from the Office of Congressional and Public Affairs, Consumer Assistance and Small Business Division. The catalogs describe the data base, state the estimated fee for providing it, and specify ordering information. Periodic updates to computer maintained data bases, as they occur, will not be furnished in machine-readable form.

NOTE: The Commission awards a contract to provide the public with direct electronic access to a portion of the non-Government Master Frequency File data base released for access and residing on the contractor's computer system. The name, address, telephone number, and schedule of fees for the current contractor are published annually at the time of contract award or renewal in a Public notice. This information may be obtained from the Office of Congressional and Public Affairs, Consumer Assistance and Small Business Division, Telephone (202) 632-7000.

(2) Copies of computer generated data stored as paper printouts or on microfiche may also be obtained from the Commission's duplicating contractor (see paragraph (a) of this section).

(3) Copies of computer source programs and associated documentation produced by the Commission shall be obtained through the National Technical Information Service (NTIS), Department of Commerce. NTIS will forward each request to the Commission. If it can be determined that the requested program is available, the Commission will distribute the current edition to the requester. NTIS will act as billing agent for the Commission. NTIS will bill the requester for the direct costs of production plus their overhead based on billing information provided by the Commission. Estimates of the total cost may be obtained from NTIS in advance. NTIS will not stock Commission source programs and documentation, nor will they maintain a catalog of Commission computer programs that may be available due to the large volume of programs and the frequency with which they are revised. Requests shall be limited to computer source programs and associated documentation in existence when the request is submitted; requests which require the Commission to produce unique computer programs, data bases and documentation, which are not part of its inventory at the time of the request, will not be honored. Likewise, periodic updates of these materials, as they occur, will not be furnished.

(4) The Commission reserves the right to distribute copies of its computer source programs and data bases to other entities as it sees fit, and when it serves the regulatory interests of the U.S. Government or the Commission, as determined by the Managing Director.

(e) This section has no application to printed publications, which may be purchased from the Superintendent of Documents or private firms (see §§ 0.411 through 0.420). Nor does it apply to application forms or information bulletins, which are prepared for the use and information of the public and are available upon request (see §§ 0.421 and 0.423).

(f) Anyone requesting copies of documents pursuant to this section may select either the Commission or the contractor to fulfill the request. If a request goes directly to the contractor, the requester will be charged by the contractor pursuant to the price list set forth in the latest contract. If a request goes directly to the Commission, it shall be sent to the Office of the Managing Director for appropriate processing according to the fee standards established under the FOIA.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397; 47 CFR 0.231(d))

[32 FR 10573, July 19, 1967, as amended at
41 FR 51610, Nov. 23, 1976; 45 FR 85028,
Dec. 24, 1980; 49 FR 13368, Apr. 4, 1984; 51
FR 34982, Oct. 1, 1986; 52 FR 36774, Oct. 1,
1987; 53 FR 39093, Oct. 5, 1988]

§ 0.466 Definitions.

(a) For the purpose of §§ 0.467 and
0.468, the following definitions shall
apply:

(1) The term "direct costs" means
those expenditures which the Commission actually incurs in searching
for and duplicating (and in case of
commercial requesters, reviewing) documents to respond to a FOIA request.
Direct costs include the salary of the
employee performing the work (the
basic rate of pay for the employee plus
16 percent of that rate to cover bene-
fits), and the cost of operating dupli-
cating machinery. Not included in
direct costs are overhead expenses,
uch as costs of space, and heating or
ighting the facility in which the
ecords are stored.

(2) The term "search" includes all
ime spent looking for material that is
esponsive to a request, including
page-by-page or line-by-line identifica-
ion of material contained within doc-
uments. Such activity should be distin-
uished, however, from "review" of
material in order to determine wheth-
r the material is exempt from disclo-
ure (*see* paragraph (a)(3) of this sec-
ion).

(3) The term "review" refers to the
rocess of examining documents locat-
d in response to a commercial use re-
uest (*see* paragraph (a)(4) of this sec-
ion) to determine whether any por-
ion of a document located is exempt
rom disclosure. It also includes proc-
ssing any documents for disclosure,
g., performing such functions that
re necessary to excise them or other-
vise prepare them for release. Review
oes not include time spent resolving
eneral legal or policy issues regarding
he application of FOIA exemptions.

(4) The term "commercial use" re-
uest refers to a request from or on
ehalf of one who seeks information
or a use or purpose that furthers the
ommercial interests of the requester.
n determining whether a requester
roperly falls within this category, the
ommission shall determine the use to
hich a requester will put the documents requested. Where the Commission has reasonable cause to question the use to which a requester will put the documents sought, or where that use is not clear from the request itself, the Commission shall seek additional clarification before assigning the request to a specific category.

(5) The term "educational institution" refers to a preschool, a public or private elementary or secondary school, an institution or graduate higher education, an institution of professional education and an institution of vocational education, which operates a program or programs of scholarly research.

(6) The term "non-commercial scientific institution" refers to an institution that is not operated on a commercial basis as that term is referenced in paragraph (a)(4) of this section, and which is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.

(7) The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances where they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public. These examples are not intended to be all inclusive. Moreover, as traditional methods of news delivery evolve (*e.g.*, electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category. In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it.

[53 FR 39093, Oct. 5, 1988]

§ 0.467 Search fee.

(a) Subject to the provisions of this section, an hourly fee shall be charged for recovery of the full, allowable direct costs of searching for and reviewing records requested under § 0.460(e) or § 0.461, unless such fees are precluded or waived pursuant to § 0.470. The fee is based on the grade level of the employee(s) who conducts the search, as specified in the following schedule:

Grade	Hourly fee
GS-2	6.32
GS-3	7.12
GS-4	7.99
GS-5	8.94
GS-6	9.96
GS-7	10.07
GS-8	12.25
GS-9	13.54
GS-10	14.91
GS-11	16.35
GS-12	19.64
GS-13	23.34
GS-14	27.58
GS-15	32.45

NOTE: These fees will be modified periodically to correspond with modifications in the rate of pay approved by Congress.

The above fees were computed at Step 5 of each grade level based on the General Schedule effective January 1987 and include 16 percent for personnel benefits.

(b) Search fees may be assessed for time spent searching, even if the Commission fails to locate the records or if the records are determined to be exempt from disclosure.

(c) The Commission shall charge only for the initial review, *i.e.*, the review undertaken initially when the Commission analyzes the applicability of a specific exemption to a particular record. The Commission shall not charge for review at the appeal level of an exemption already applied. However, records or portions of records withheld in full under an exemption that is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. The costs of such a subsequent review, under these circumstances, are properly assessable.

(d) The fee charged will not exceed an amount based on the time typically required to locate records of the kind requested.

(e) If the Commission estimates that search charges are likely to exceed $25 or the amount which the requester indicated he/she is prepared to pay, then it shall notify the requester of the estimated amount of fees. Such a notice shall offer the requester the opportunity to confer with Commission personnel with the object of revising or clarifying the request.

(f) When the search has been completed, the custodian of the records will give notice of the charges incurred to the person who made the request.

(g) The fee shall be paid to the Financial Management Division, Office of Managing Director, or as otherwise directed by the Commission.

(h) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage, and additional charges may be imposed for again producing them.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397; 47 CFR 0.231(d))

[40 FR 7316, Feb. 19, 1975, as amended at 45 FR 85028, Dec. 24, 1980; 49 FR 13368, Apr. 4, 1984. Redesignated and amended at 53 FR 39093, Oct. 5, 1988]

§ 0.468 Interest.

Interest shall be charged those requesters who fail to pay the fees charged. The agency will begin assessing interest charges on the amount billed starting on the 31st day following the day on which the billing was sent. The date on which the payment is received by the agency will determine whether and how much interest is due. The interest shall be set at the rate prescribed in 31 U.S.C. 3717.

[53 FR 39094, Oct. 5, 1988]

§ 0.469 Advance payments.

(a)(1) The Commission may not require advance payment of estimated FOIA fees except as provided in subsection (a)(2) or where the Commission estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250.00 and the requester has no history of payment. Where allowable charges are likely to exceed $250.00 and the requester has a history of prompt payment of FOIA fees the Commission may notify the requester of the estimated cost and obtain satisfactory assurance of full payment.

(2) Where a requester has previously failed to pay a fee charged in a timely fashion (*i.e.*, within 30 days of the date of the billing), the Commission may require the requester to pay the full amount owed plus any applicable interest as provided in § 0.468, and to make an advance payment of the full amount of the estimated fee before the Commission begins to process a new request or a pending request from that requester.

(3) When the Commission acts under paragraph (a) (1) or (2) of this section, the administrative time limits prescribed in subsection (a)(6) of the FOIA (*i.e.*, 10 working days from receipt of initial requests and 20 working days from receipt of appeals from initial denials, plus permissible extensions of these time limits) will begin only after the agency has received the fee payments described above.

[53 FR 39094, Oct. 5, 1988]

§ 0.470 Assessment of fees.

(a)(1) Commercial use requesters. When the Commission receives a request for documents for commercial use, it will assess charges that recover the full direct cost of searching for, reviewing and duplicating the records sought pursuant to §§ 0.466 and 0.467, above.

(2) Educational and non-commercial scientific institution requesters and requesters who are representatives of the news media. The Commission shall provide documents to requesters in these categories for the cost of reproduction only, pursuant to § 0.465 above, excluding reproduction charges for the first 100 pages, provided however, that requesters who are representatives of the news media shall be entitled to a reduced assessment of charges only when the request is for the purpose of disseminating information.

(3) All other requesters. The Commission shall charge requesters who do not fit into any of the categories above fees which cover the full, reasonable direct cost of searching for and reproducing records that are responsive to the request, pursuant to §§ 0.467 and 0.465 above, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge.

(b)(1) The 100 page restriction on assessment of reproduction fees in paragraphs (a)(2) and (a)(3) of this section refers to 100 paper copies of a standard size, which will normally be "8½x11" or "11x14," or microfiche containing the equivalent of 100 pages or 100 pages of computer printout. Requesters will not be entitled to 100 microfiche.

(2) When the agency reasonably believes that a requester or group of requesters is attempting to segregate a request into a series of separate individual requests for the purpose of evading the assessment of fees, the agency will aggregate any such requests and assess charges accordingly.

(c) When a requester believes he is entitled to a restricted fee assessment pursuant to paragraphs (a)(2) and (a)(3), of this section , or a waiver pursuant to paragraph (e) of this section, the requester must include, in his original FOIA request, a statement explaining with specificity, the reasons demonstrating that he/she qualifies for a restricted fee or a fee waiver. Included in this statement should be a certification that the information will not be used to further the commercial interests of the requester.

NOTE: Anyone requesting a restricted fee must submit the request directly to the Commission and not to the contractor who will provide documents only at the contract price.

(d) If the Commission reasonably believes that a commercial interest exists, based on the information provided pursuant to paragraph (c) of this section, the requester shall be so notified and given an additional 5 working days to provide further information to justify receiving a restricted fee. During this time period, the materials will be available for inspection to the extent that the time period exceeds the 10 or 20 day time period for responding to FOIA requests, as appropriate.

(e) Copying, search and review charges shall be waived or reduced by the General Counsel, when "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. 552(a)(4)(A)(iii).

(f) The Commission shall not assess any fees if the routine cost of collecting the fee would be equal to or greater than the fee itself.

[53 FR 39094, Oct. 5, 1988]

PLACES FOR MAKING SUBMITTALS OR REQUESTS, FOR FILING APPLICATIONS, AND FOR TAKING EXAMINATIONS

§ 0.471 Miscellaneous submittals or requests.

Persons desiring to make submittals or requests of a general nature should communicate with the Secretary of the Commission.

[36 FR 15121, Aug. 13, 1971]

§ 0.473 Reports of violations.

Reports of violations of the Communications Act or of the Commission's rules and regulations may be submitted to the Commission in Washington or to any field office.

[32 FR 10578, July 19, 1967]

§ 0.475 Applications for employment.

Persons who wish to apply for employment should communicate with the Associate Managing Director-Personnel Management.

(Secs. 4(i), 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[49 FR 13368, Apr. 4, 1984]

§ 0.481 Place of filing applications for radio authorizations.

Class of station	Method of filing	Number of copies
(a) Alaskan fixed public and Alaskan public coastal.	VIA engineer in charge radio district No. 14 Seattle, Wash., 98104.	2.
(b) Amateur	See §§ 0.483 and 0.485.	As specified in form.
(c) Interim ship station license.	See § 0.487	Do.
(d) Personal	To Federal Communications Commission, Gettysburg, Pa., 17326.	Do.
(e) Ship (FCC Forms 502 & 405-B).	Do	Do.
(f) Aircraft (FCC Forms 404 & 405-B).	Do	Do.
(g) All others	Directly to the main Washington, D.C., office of the Commission. See § 0.401.	Do.

[42 FR 8327, Feb. 9, 1977]

§ 0.482 Application for waiver of private radio rules.

All requests for waiver of the rules governing the Private Radio Services that require a fee (see § 1.1102) shall be submitted to the Mellon Bank, Pittsburgh, Pennsylvania at the address set forth in § 1.1102. Waiver requests that do not require a fee shall be addressed to: Federal Communications Commission, Gettysburg, PA 17326. Waiver requests attached to applications must be submitted in accordance with § 0.401(b) of the rules.

[55 FR 19154, May 8, 1990]

§ 0.483 Applications for amateur or commercial radio operator licenses.

(a) Application filing procedures for amateur radio operator licenses are set forth in Part 97 of this chapter.

(b) Application filing procedures for commercial radio operator licenses are set forth in Part 13 of this chapter. Detailed information about application forms, filing procedures, and places to file applications for commercial radio operator licenses is contained in the bulletin "Commercial Radio Operator Licenses and Permits." This bulletin is available from any Commission field office or the FCC, Washington, D.C. 20554.

[47 FR 53378, Nov. 26, 1982]

§ 0.484 Amateur radio operator examinations.

Generally, examinations for amateur radio operator licenses shall be administered at locations and times specified by volunteer examiners. (See § 97.26(a)). When the FCC conducts examinations for amateur radio operator licenses, they shall take place at locations and times designated by the FCC.

[48 FR 45658, Oct. 6, 1983]

§ 0.485 Commercial radio operator examinations.

Written examinations and International Morse code telegraphy examinations for commercial radio operator licenses are conducted at prescribed intervals or by appointment at locations specified in the Commission's current examination schedule, copies of which are available from any Commission field office or from the FCC, Public Service Division, Field Operations Bureau, FCC, Washington, D.C. 20554.

[48 FR 45658, Oct. 6, 1983]

§ 0.489 Applications for ship radio inspection and periodical survey.

Applications for ship radio inspection or for periodical survey shall be forwarded to the radio district office nearest the desired port of inspection or place of survey.

[28 FR 12413, Nov. 22, 1963. Redesignated at 32 FR 10578, July 19, 1967]

§ 0.491 Applications for exemption from compulsory ship radio requirements.

Applications for exemption filed under the provisions of section 352(b) or 383 of the Communications Act; Regulation 4, Chapter I of the Safety Convention; Regulation 5, Chapter IV of the Safety Convention; Regulation 12(b), Chapter V of the Safety Convention; or Article IX of the Great Lakes Agreement, shall be filed at the Commission's offices in Washington, D.C.

[40 FR 17255, Apr. 18, 1975]

§ 0.493 Non-radio common carrier applications.

All such applications shall be filed at the Commission's offices in Washington, D.C.

[28 FR 12413, Nov. 22, 1963. Redesignated at 32 FR 10578, July 19, 1967]

Subpart D—Mandatory Declassification of National Security Information

AUTHORITY: Secs. 4(i), 303(r), Communications Act of 1934, as amended (47 U.S.C. 154(i) and 303(r)).

SOURCE: 47 FR 53377, Nov. 26, 1982, unless otherwise noted.

§ 0.501 General.

Executive Order 12356 requires that information relating to national security be protected against unauthorized disclosure as long as required by national security considerations. The Order also provides that all information classified under Executive Order 12356 or predecessor orders be subject to a review for declassification upon receipt of a request made by a United States citizen or permanent resident alien, a federal agency, or a state or local government.

§ 0.502 Purpose.

This subpart prescribes the procedures to be followed in submitting requests, processing such requests, appeals taken from denials of declassification requests and fees and charges.

§ 0.503 Submission of requests for mandatory declassification review.

(a) Requests for mandatory review of national security information shall be in writing, addressed to the Managing Director, and reasonably describe the information sought with sufficient particularity to enable Commission personnel to identify the documents containing that information and be reasonable in scope.

(b) When the request is for information originally classified by the Commission, the Managing Director shall assign the request to the appropriate bureau or office for action.

(c) Requests related to information, either derivatively classified by the Commission or originally classified by another agency, shall be forwarded, together with a copy of the record, to the originating agency. The transmittal may contain a recommendation for action.

§ 0.504 Processing requests for declassification.

(a) Responses to mandatory declassification review requests shall be governed by the amount of search and review time required to process the request. A final determination shall be made within one year from the date of receipt of the request, except in unusual circumstances.

(b) Upon a determination by the bureau or office that the requested material originally classified by the Commission no longer warrants protection, it shall be declassified and made available to the requester, unless withholding is otherwise authorized under law.

(c) If the information may not be declassified or released in whole or in part, the requester shall be notified as to the reasons for the denial, given notice of the right to appeal the denial to the Classification Review Committee, and given notice that such an appeal must be filed within 60 days of the date of denial in order to be considered.

(d) The Commission's Classification Review Committee, consisting of the Managing Director (Chairman), the General Counsel or his designee, and the Chief, Internal Review and Security Division, shall have authority to act, within 30 days, upon all appeals regarding denials of requests for mandatory declassification of Commission-originated classifications. The Committee shall be authorized to overrule previous determinations in whole or in part when, in its judgment, continued classification is no longer required. If the Committee determines that continued classification is required under the criteria of the Order, the requester shall be promptly notified and advised that an application for review may be filed with the Commission pursuant to 47 CFR 1.115.

§ 0.505 Fees and charges.

(a) The Commission has designated a contractor to make copies of Commission records and offer them for sale (See §0.465).

(b) An hourly fee is charged for recovery of the direct costs of searching for requested documents (See § 0.466).

§ 0.506 FOIA and Privacy Act requests.

Requests for declassification that are submitted under the provisions of the Freedom of Information Act, as amended, (See § 0.461), of the Privacy Act of 1974, (See § 0.554) shall be processed in accordance with the provisions of those Acts.

Subpart E—Privacy Act Regulations

AUTHORITY: Secs. 4, 303, 49 Stat. as amended, 1066, 1082 (47 U.S.C. 154, 303).

SOURCE: 40 FR 44512, Sept. 26, 1975, unless otherwise noted.

§ 0.551 Purpose and scope; definitions.

(a) The purpose of this subpart is to implement the Privacy Act of 1974, 5 U.S.C. 552(a), and to protect the rights of the individual in the accuracy and privacy of information concerning him which is contained in Commission records. The regulations contained herein cover any group of records under the Commission's control from which information about individuals is retrievable by the name of an individual or by some other personal identifier.

(b) In this subpart:

(1) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(2) "Record" means any item, collection or grouping of information about an individual that is maintained by the Commission, including but not limited to, such individual's education, financial transactions, medical history, and criminal or employment history, and that contains such individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(3) "System of Records" means a group of records under the control of the Commission from which information is retrievable by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(4) "Routine Use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected;

(5) "System Manager" means the Commission official responsible for the storage, maintenance, safekeeping, and disposal of a system of records.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13368, Apr. 4, 1984]

§ 0.552 Notice identifying Commission systems of records.

The Commission publishes in the Federal Register upon establishment or revision a notice of the existence and character of the system of records, including for each system of records:

(a) The name and location of the system;

(b) The categories of individuals on whom records are maintained in the system;

(c) The categories of records maintained in the system;

(d) Each routine use of the records contained in the system, including the categories of users and the purposes of such use;

(e) The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(f) The title and business address of the system manager;

(g) The address of the agency office to which inquiries should be addressed and the addresses of locations at which the individual may inquire whether a system contains records pertaining to himself;

(h) The agency procedures whereby an individual can be notified how access can be gained to any record pertaining to that individual contained in a system of records, and the procedure for correcting or contesting its contents; and

(i) The categories of sources of records in the system.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13368, Apr. 4, 1984]

§ 0.553 New uses of information.

Before establishing a new routine use of a system of records, the Commission will publish a notice in the Federal Register of its intention to do so, and will provide at least 30 days for public comment on such use. The notice will contain:

(a) The name of the system of records for which the new routine use is to be established;

(b) The authority for the system;

(c) The categories of records maintained;

(d) The proposed routine use(s); and

(e) The categories of recipients for each proposed routine use.

§ 0.554 Procedures for requests pertaining to individual records in a system of records.

(a) Upon request, the Commission will notify individuals as to whether it maintains information about them in a system of records and, subject to the provisons of § 0.555(b), will disclose the substance of such information to that individual. In order to properly request notification or access to record information, reference must be made to the Notice described in § 0.552. A table of contents, which is alphabetized by bureau or office, precedes the system descriptions and allows members of the public to easily identify record systems of interest to them. An individual may inquire into information contained in any or all systems of records described in the Notice. However, each inquiry shall be limited to information from systems located within a single bureau or office and shall be addressed to that bureau or office.

(b) Reasonable identification is required of all individuals making requests pursuant to paragraph (a) of this section in order to assure that disclosure of any information is made to the proper person.

(1) Individuals who choose to register a request for information in person may verify their identity by showing any two of the following: social security card; drivers license; employee identification card; medicare card; birth certificate; bank credit card; or other positive means of identification. Documents incorporating a picture and/or signature of the individual shall be produced if possible. If an individual cannot provide suitable documentation for identification, that individual will be required to sign an identity statement stipulating that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to $5,000.

NOTE: An individual's refusal to disclose his social security number shall not constitute cause in and of itself, for denial of a request.

(2) All requests for record information sent by mail shall be signed by the requestor and shall include his printed name, current address and telephone number (if any). Commission officials receiving such requests will attempt to verify the identity of the requestor by comparing his or her signature to those in the record. If the record contains no signatures and if positive identification cannot be made on the basis of other information submitted, the requestor will be required to sign an identity statement and stipulate that knowingly or willfully seeking or obtaining access to records about another person under false pretense is punishable by a fine of up to $5,000.

(3) If positive identification cannot be made on the basis of the information submitted, and if data in the record is so sensitive that unauthorized access could cause harm or embarrassment to the individual to whom the record pertains, the Commission reserves the right to deny access to the record pending the production of additional more satisfactory evidence of identity.

NOTE: The Commission will require verification of identity only where it has determined that knowledge of the existence of record information or its substance is not subject to the public disclosure requirements of the Freedom of Information Act, 5 U.S.C. 552, as amended.

(c) All requests for notification of the existence of record information or for access to such information shall be delivered to the business address of the system manager responsible for the system of records in question, except that requests relating to official personnel records shall be addressed to the Associate Managing Director—Personnel Management. Such addresses can be found in the FEDERAL REGISTER Notice described in § 0.552.

(d) A written acknowledgement of receipt of a request for notification and/or access will be provided within 10 days (excluding Saturdays, Sundays, and legal public holidays) to the individual making the request. Such an acknowledgement may, if necessary, request any additional information needed to locate a record. A search of all systems of records identified in the individual's request will be made to determine if any records pertaining to the individual are contained therein, and the individual will be notified of the search results as soon as the search has been completed. Normally, a request will be processed and the individual notified of the search results within 30 days (excluding Saturdays, Sundays, and legal holidays) from the date the inquiry is received. However, in some cases, as where records have to be recalled from Federal Record Centers, notification may be delayed. If it is determined that a record pertaining to the individual making the request does exist, the notification will state approximately when the record will be available for personal review. No separate acknowledgement is required if the request can be processed and the individual notified of the search results within the ten-day period.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13368, Apr. 4, 1984]

§ 0.555 Disclosure of record information to individuals.

(a) Individuals having been notified
hat the Commission maintains a
ecord pertaining to them in a system
f records may request access to such
ecord in one of three ways: by in
erson inspection at the system loca-
ion; by transfer of the record to a
earer location; or by mail.

(1) Individuals who wish to review
heir records at the system location
ust do so during regular Commission
usiness hours (8:00 a.m.-4:30 p.m.,
onday through Friday). For person-
l and administrative convenience, in-
ividuals are urged to arrange to
eview a record by appointment. Pref-
rences as to specific dates and times
n be made by writing or calling the
stem manager responsible for the
stem of records in question at least
o days in advance of the desired ap-
intment date, and by providing a
lephone number where the individ-
l can be reached during the day in
se the appointment must be
anged. Verification of identity is re-
ired as in § 0.554(b)(1) before access
ll be granted an individual appear-
g in person. Individuals may be ac-
mpanied by a person of his or her
n choosing when reviewing a record.
wever, in such cases, a written
tement authorizing discussion of
eir record in the presence of a Com-
ssion representative having physical
tody of the records.

2) Individuals may request that a
ord be transferred to a Commission
d office or installation in the vicini-
of his or her home and that access
granted at that location. The ad-
sses of Commission field offices are
ed in § 0.121. A request to transfer
ords must specify the exact loca-
n where the records should be sent
a telephone number to call when
information is available for review
he field location. Paragraph (a)(1)
this section regarding personal ap-
ntments, verification of identity ac-
panying persons, and disclosure of
inal records applies equally to this
agraph.

) Individuals may request that
ies of records be sent directly to
m. In such cases, individuals must
fy their identity as § 0.554(b)(2)
and provide an accurate return address. Records shall be sent only to that address.

(b) The disclosure of record information under this section is subject to the following limitations:

(1) Records containing medical information pertaining to an individual are subject to individual access under this section unless, in the judgment of the system manager having custody of the records after consultation with a medical doctor, access to such record information could have an adverse impact on the individual. In such cases, a copy of the record will be delivered to a medical doctor named by the individual.

(2) Classified material, investigative material compiled for law enforcement purposes, investigatory material compiled solely for determining suitability for federal employment or access to classified information, and certain testing or examination material shall be removed from the records to the extent permitted in the Privacy Act of 1974, 5 U.S.C. 552(a). Section 0.561 of this subpart sets forth the systems of records maintained by the Commission which are either totally or partially exempt from disclosure under this subparagraph.

(c) No fee will be imposed if the number of pages of records requested is 25 or less. Requests involving more than 25 pages shall be submitted to the duplicating contractor (see § 0.456(a)).

(d) The provisions of this section in no way give an individual the right to access any information compiled in reasonable anticipation of a civil action or proceeding.

(e) In the event that a determination is made denying an individual access to records pertaining to that individual for any reason, such individual may either:

(1) Seek administrative review of the adverse determination. Such a request shall be in writing and should be addressed to the system manager who made the initial decision. In addition, the request for review shall state specifically why the initial decision should be reversed.

(2) Seek judicial relief in the district courts of the United States pursuant to paragraph (g)(1)(B) of the Act.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 40 FR 58858, Dec. 19, 1975; 49 FR 13369, Apr. 4, 1984]

§ 0.556 Request to correct or amend records.

(a) An individual may request the amendment of information contained in their record. Except as otherwise provided in this paragraph, the request to amend should be submitted in writing to the system manager responsible for the records. Requests to amend the official personnel records of active FCC employees should be submitted to the Associate Managing Director—Personnel Management, Office of Managing Director, 1919 M Street, NW., Washington, D.C. 20554. Requests to amend official personnel records of former FCC employees should be sent to the Assistant Director for Work Force Information, Compliance and Investigations Group, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415. Any request to amend should contain as a minimum:

(1) The identity verification information required by § 0.554(b)(2) and the information needed to locate the record as required by § 0.554(a).

(2) A brief description of the item or items of information to be amended; and

(3) The reason for the requested change.

(b) A written acknowledgement of the receipt of a request to amend a record will be provided within 10 days (excluding Saturdays, Sundays, and legal public holidays) to the individual requesting the amendment. Such an acknowledgement may, if necessary, request any additional information needed to make a determination. There will be no acknowledgement if the request can be reviewed, processed, and the individual notified of compliance or denial within the 10 day period.

(c) The responsible system manager, or in the case of official personnel records of active FCC employees, the Associate Managing Director—Personnel Management, shall (normally within 30 days) take one of the following actions regarding a request to amend:

(1) If the system manager agrees that an amendment to the record is warranted, the system manager shall:

(i) So advise the individual in writing;

(ii) Correct the record in compliance with the individual's request; and

(iii) If an accounting of disclosures has been made, advise all previous recipients of the fact that the record has been corrected and of the substance of the correction.

(2) If the system manager, after an initial review, does not agree that all or any portion of the record merits amendment, the system manager shall:

(i) Notify the individual in writing of such refusal to amend and the reasons therefore;

(ii) Advise the individual that further administrative review of the initial decision by the full Commission may be sought pursuant to the procedures set forth in § 0.557. (In cases where the request to amend involves official personnel records, review is available exclusively from the Assistant Director for Work Force Information, Compliance and Investigations Group, Office of Personnel Management, Washington, D.C. 20415; and

(iii) Inform the individual of the procedures for requesting Commission review pursuant to § 0.557.

(d) In reviewing a record in response to a request to amend, the system manager shall assess the accuracy, relevance, timeliness, or completeness of the record in light of each data element placed into controversy and the use of the record in making decisions that could possibly affect the individual. Moreover, the system manager shall ajudge the merits of any request to delete information based on whether or not the information in controversy is both relevant and necessary to accomplish a statutory purpose required of the Commission by law or executive order of the President.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 45 FR 39850, June 12, 1980; 49 FR 13369, Apr. 4, 1984]

§ 0.557 Administrative review of an initial decision not to amend a record.

(a) Individuals have 30 days from the date of the determination not to amend a record consistent with their request to seek further administrative review by the full Commisison. Such a request shall be in writing and should be addressed to either the system manager who made the initial adverse decision, or, in the case of official personnel records of active FCC employees, to the Assistant Director for Work Force Information, Compliance and Investigations Group, Office of Personnel Management, Washington, D.C. 20415. Any request for administrative review must:

(1) Clearly identify the questions presented for review (e.g., whether the record information in question is, in fact, accurate; whether information subject to a request to delete is relevant and necessary to the purpose for which it is maintained);

(2) Specify with particularity why the decision reached by the system manager is erroneous or inequitable; and

(3) Clearly state how the record should be amended or corrected.

(b) The Commission shall conduct an independent review of the record in controversy using the standards of review set out in § 0.556(d). It may seek such additional information as is necessary to make its determination. Final administrative review shall be completed not later than 30 days (excluding Saturdays, Sundays and legal public holidays) from the date on which the individual requests such review unless the Chairman determines that a fair and equitable review cannot be made within the 30 day period. In such event, the individual will be informed in writing of the reasons for the delay and the approximate date on which the review is expected to be completed.

(c) If upon review of the record in controversy the Commission agrees with the individual that the requested amendment is warranted, the Commission will proceed in accordance with § 0.556(c)(1) (i) through (iii).

(d) If after the review, the Commission also refuses to amend the record as requested, it shall:

(1) Notify the individual in writing of its refusal and the reasons therefore;

(2) Advise the individual that a concise statement of the reasons for disagreeing with the decision of the Commisison may be filed;

(3) Inform the individual:

(i) That such a statement should be signed and addressed to the system manager having custody of the record in question;

(ii) That the statement will be made available to any one to whom the record is subsequently disclosed together with, at the Commission's discretion, a summary of its reasons for refusing to amend the record; and

(iii) That prior recipients of the record will be provided a copy of the statement of dispute to the extent that an accounting of such disclosures is maintained; and

(4) Advise the individual that judicial review of the Commisison's decision not to amend the record in any district court of the United States is available.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 45 FR 39850, June 12, 1980; 49 FR 13369, Apr. 4, 1984]

§ 0.558 Advice and assistance.

Individuals who have questions regarding the procedures contained in this subpart for gaining access to a particular system of records or for contesting the contents of a record, either administratively or judicially, should write or call the Privacy Liaison Officer at the following address:

Federal Communications Commission,
Office of General Counsel, 1919 M Street
NW., Washington, D.C. 20554.

Individuals who request clarification of the Notice described in § 0.552 or who have questions concerning the characterization of specific systems of records as set forth therein, should write or call the Privacy Liaison Officer at the following address:

Federal Communications Commission,
Records Management Branch, Office of Managing Director, 1200 19th Street, NW. Room BB-325, Washington, D.C. 20554

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13369, Apr. 4, 1984]

§ 0.559 Disclosure of disputed information to persons other than the individual to whom it pertains.

If the Commission determines not to amend a record consistent with an individual's request, and if the individual files a statement of disagreement pursuant to § 0.557(d)(2), the Commission shall clearly annotate the record so that the disputed portion becomes apparent to anyone who may subsequently have access to, use or disclose the record. A copy of the individual's statement of disagreement shall accompany any subsequent disclosure of the record. In addition, the Commission may include a brief summary of its reasons for not amending the record when disclosing the record. Such statements become part of the individual's record for granting access, but are not subject to the amendment procedures of § 0.556.

§ 0.560 Penalty for false representation of identity.

Any individual who knowingly and willfully requests or obtains under false pretenses any record concerning an individual from any system of records maintained by the Commission shall be guilty of a misdemeanor and subject to a fine of not more than $5,000.

§ 0.561 Exemptions.

The following systems of records are totally or partially exempt from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from §§ 0.554 through 0.557 of this subpart:

(a) *System name.* Radio Operator Records—FCC/FOB-1. Parts of this system of records are exempt pursuant to Section (k)(2) of the Act because they contain investigatory material compiled solely for law enforcement purposes.

(b) *System name.* Violators File (records kept on individuals who have been subjects of FCC field enforcement actions)—FCC/FOB-2. Parts of this system of records are EXEMPT because they are maintained as a protective service for individuals described in Section 3056 of title 18, and because they are necessary for Commission employees to perform their duties, pursuant to sections (k) (1), (2), and (3) of the Act.

(c) *System name.* Attorney Misconduct Files—FCC/OGC-2. This system of records is exempt pursuant to section 3(k)(2) of the Act because it is maintained for law enforcement purposes.

(d) *System name.* Licensees or Unlicensed Persons Operating Radio Equipment Improperly—FCC. Parts of this system of records are exempt pursuant to section 3(k)(2) of the Act because they embody investigatory material compiled solely for law enforcement purposes.

(e) *System name.* Personnel Investigation Records—FCC/Central-6. Parts of these systems of records are exempt because they emobdy investigatory material pursuant to sections 3(k)(2) and 3(k)(5) of the Act as applicable.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13369, Apr. 4, 1984]

Subpart F—Meeting Procedures

AUTHORITY: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).

SOURCE: 42 FR 12867, Mar. 7, 1977, unless otherwise noted.

§ 0.601 Definitions.

For purposes of this section:

(a) The term "agency" means:

(1) The Commission,

(2) A board of Commissioners (see § 0.212),

(3) The Telecommunications Committee (see § 0.215), and

(4) Any other group of Commissioners hereafter established by the Commission on a continuing or *ad hoc*

basis and authorized to act on behalf of the Commission.

(b) The term "meeting" means the deliberations among a quorum of the Commission, a Board of Commissioners, or a quorum of a committee of Commissioners, where such deliberations determine or result in the joint conduct of disposition of official agency business, except that the term does not include deliberations to decide whether a meeting should be open or closed. (The term includes conference telephone calls, but does not include the separate consideration of Commission business by Commissioners.) For purposes of this subpart each item on the agenda of a meeting is considered a meeting or a portion of a meeting.

[42 FR 12867, Mar. 7, 1977, as amended at 48 FR 56391, Dec. 21, 1983]

§ 0.602 Open meetings.

(a) All meetings shall be conducted in accordance with the provisions of this subpart.

(b) Except as provided in § 0.603, every portion of every meeting shall be open to public observation. Observation does not include participation or disruptive conduct by observers, and persons engaging in such conduct will be removed from the meeting.

(c) The right of the public to observe open meetings does not alter those rules in this chapter which relate to the filing of motions, pleadings, or other documents. Unless such pleadings conform to the other procedural requirements of this chapter, pleadings based upon comments or discussions at open meetings, as a general rule, will not become part of the official record, will receive no consideration, and no further action by the Commission will be taken thereon.

(d) Deliberations, discussions, comments or observations made during the course of open meetings do not themselves constitute action of the Commission. Comments made by Commissioners may be advanced for purposes of discussion and may not reflect the ultimate position of a Commissioner.

[42 FR 12867, Mar. 7, 1977, as amended at 45 FR 63491, Sept. 25, 1980]

§ 0.603 Bases for closing a meeting to the public.

Except where the agency finds that the public interest requires otherwise, an agency or advisory committee meeting may be closed to the public, and information pertaining to such meetings which would otherwise be disclosed to the public under § 0.605 may be withheld, if the agency determines that an open meeting or the disclosure of such information is likely to:

(a) Disclose matters that: (1) Are specifically authorized under criteria established by executive order to be kept secret in the interest of national defense or foreign policy, and (2) are in fact properly classified pursuant to such executive order (see § 0.457(a));

(b) Relate solely to the internal personnel rules and practices of an agency (see § 0.457(b));

(c) Disclose matters specifically exempted from disclosure, by statute (other than the Freedom of Information Act, 5 U.S.C. 552). *Provided*, That such statute (1) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of matters to be withheld (see § 0.457(c));

(d) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential (see § 0.457(d));

(e) Involve accusing any person of a crime or formally censuring any person;

(f) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy (see § 0.457(f));

(g) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source, and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel;

(h) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(i) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action, except where the agency has already disclosed to the public the content or nature of the disclosed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(j) Specifically concern the agency's issuance of a subpoena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures specified in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for hearing.

§ 0.605 Procedures for announcing meetings.

(a) Notice of all open and closed meetings will be given.

(b) The meeting notice will be submitted for publication in the FEDERAL REGISTER on or before the date on which the announcement is made. Copies will be available in the Press and News Media Division on the day the announcement is made. Copies will also be attached to "FCC Actions Alert", which is mailed to certain individuals and groups who have demonstrated an interest in representing the public in Commission proceedings.

(c)(1) If the agency staff determines that a meeting should be open to the public, it will, at least one week prior to the meeting, announce in writing the time, place and subject matter of the meeting, that it is to be open to the public, and the name and phone number of the Chief, Press and News Media Division, who has been designated to respond to requests for information about the meeting.

(2) If the staff determines that a meeting should be closed to the public, it will refer the matter to the General Counsel, who will certify that there is (or is not) a legal basis for closing the meeting to the public. Following action by the General Counsel, the matter may be referred to the agency for a vote on the question of closing the meeting (See § 0.606).

(d)(1) If the question of closing a meeting is considered by the agency but no vote is taken, the agency will, at least one week prior to the meeting, announce in writing the time, place and subject matter of the meeting, that it is to be open to the public, and the name and phone number of the Chief, Press and News Media Division.

(2) If a vote is taken, the agency will, in the same announcement and within one day after the vote, make public the vote of each participating Commissioner.

(3) If the vote is to close the meeting, the agency will also, in that announcement, set out a full written explanation of its action, including the applicable provision(s) of § 0.603, and a list of persons expected to attend the meeting, including Commission personnel, together with their affiliations. The Commissioners, their assistants, the General Counsel, the Executive Director, the Chief, Press and News Media Division, and the Secretary are expected to attend all Commission meetings. The appropriate Bureau or Office Chief and Division Chief are expected to attend meetings which relate to their responsibilities (see Subpart A of this part).

(4) If a meeting is closed, the agency may omit from the announcement information usually included, if and to the extent that it finds that disclosure would be likely to have any of the consequences listed in § 0.603.

(e) If the prompt and orderly conduct of agency business requires that a meeting be held less than one week after the announcement of the meeting, or before that announcement, the agency will issue the announcement at the earliest practicable time. In addition to other information, the announcement will contain the vote of each member of the agency who participated in the decision to give less than seven days notice and will specify the nature of the emergency situation if it is not clear from the subject matter.

(f) If, after announcement of a meeting, the time or place of the meeting is changed or the meeting is cancelled, the agency will announce the change at the earliest practicable time.

(g) If the subject matter or the determination to open or close a meeting is changed, the agency will publicly announce the change and the vote of each member at the earliest practicable time. The announcement will contain a finding that agency business requires the change and that no earlier announcement of the change was possible.

(47 U.S.C. 154, 155, 303)

[42 FR 12867, Mar. 7, 1977, as amended at 44 FR 12425, Mar. 7, 1979; 44 FR 70472, Dec. 7, 1979]

§ 0.606 Procedures for closing a meeting to the public.

(a) For every meeting closed under § 0.603, the General Counsel will certify that there is a legal basis for closing the meeting to the public and will state each relevant provision of § 0.603. The staff of the agency will refer the matter to the General Counsel for certification before it is referred to the agency for a vote on closing the meeting. Certifications will be retained in a public file in the Minute and Rules Branch, Office of the Secretary.

(b) The agency will vote on the question of closing a meeting.

(1) If a member of the agency requests that a vote be taken;

(2) If the staff recommends that a meeting be closed and one member of the agency requests that a vote be taken; or

(3) If a person whose interests may be directly affected by a meeting requests the agency to close the meeting for any of the reasons listed in § 0.603 (e), (f) or (g), or if any person requests that a closed meeting be opened, and a member of the agency requests that a vote be taken. (Such requests may be filed with the Secretary at any time prior to the meeting and should briefly state the reason(s) for opening or closing the meeting. To assure that they reach the Commission for consideration prior to the meeting, they should be submitted at the earliest practicable time and should be called specifically to the attention of the Secretary—in person or by telephone. It will be helpful if copies of the request are furnished to the members of the agency and the General Counsel. The filing of a request shall not stay the holding of a meeting.)

(c) A meeting will be closed to the public pursuant to § 0.603 only by vote of a majority of the entire membership of the agency. The vote of each participating Commissioner will be recorded. No Commissioner may vote by proxy.

(d) A separate vote will be taken before any meeting is closed to the public and before any information is withheld from the meeting notice. However, a single vote may be taken with respect to a series of meetings proposed to be closed to the public, and with respect to information concerning such series of meetings (a vote on each question, if both are presented), if each meeting involves the same particular matters and is scheduled to be held no later than 30 days after the first meeting in the series.

(e) Less than seven days notice may be given only by majority vote of the entire membership of the agency.

(f) The subject matter or the determination to open or close a meeting will be changed only if a majority of the entire membership of the agency determines by recorded vote that agency business so requires and that no earlier announcement of the change was possible.

§ 0.607 Transcript, recording or minutes; availability to the public.

(a) The agency will maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting closed to the public, except that in a meeting closed pursuant to paragraph (h) or (j) of § 0.603, the agency may maintain minutes in lieu of a transcript or recording. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote. All documents considered in connection with any item will be identified in the minutes.

(b) A public file of transcripts (or minutes) of closed meetings will be maintained in the Minute and Rules Branch, Office of the Secretary. The transcript of a meeting will be placed in that file if, after the meeting, the responsible Bureau or Office Chief determines, in light of the discussion, that the meeting could have been open to the public or that the reason for withholding information concerning the matters discussed no longer pertains. Transcripts placed in the public file are available for inspection under § 0.460. Other transcripts, and separable portions thereof which do not contain information properly withheld under § 0.603, may be made available for inspection under § 0.461. When a transcript, or portion thereof, is made available for inspection under § 0.461, it will be placed in the public file. Copies of transcripts may be obtained from the duplicating contractor pursuant to § 0.465(a). There will be no search or transcription fee. Requests for inspection or copies of transcripts shall specify the date of the meeting, the name of the agenda and the agenda item number; this information will appear in the notice of the meeting. Pursuant to § 0.465(c)(3), the Commission will make copies of the transcript available directly, free of charge, if it serves the financial or regulatory interests of the United States.

(c) The Commission will maintain a copy of the transcript or minutes for a period of at least two years after the meeting, or until at least one year after conclusion of the proceeding to which the meeting relates, whichever occurs later.

(d) The Commissioner presiding at the meeting will prepare a statement setting out the time and place of the meeting, the names of persons other than Commission personnel who were present at the meeting, and the names of Commission personnel who participated in the discussion. These statements will be retained in a public file in the Minute and Rules Branch, Office of the Secretary.

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APPENDIX A—A PLAN OF COOPERATIVE PROCEDURE IN MATTERS AND CASES UNDER THE PROVISIONS OF SECTION 410 OF THE COMMUNICATIONS ACT OF 1934

AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 022, as amended; 47 U.S.C. 154, 303; Implement, 5 U.S.C. 552, unless otherwise noted.

ubpart A—General Rules of Practice and Procedure

SOURCE: 28 FR 12415, Nov. 22, 1963, unless therwise noted.

EDITORIAL NOTE: Nomenclature changes to ubpart A appear at 37 FR 19372, Sept. 20, 972.

GENERAL

1.1 Proceedings before the Commission.

The Commission may on its own motion or petition of any interested arty hold such proceedings as it may eem necessary from time to time in connection with the investigation of any matter which it has power to investigate under the law, or for the purpose of obtaining information necessary or helpful in the determination of its policies, the carrying out of its duties or the formulation or amendment of its rules and regulations. For such purposes it may subpena witnesses and require the production of evidence. Procedures to be followed by the Commission shall, unless specifically prescribed in this part, be such as in the opinion of the Commission will best serve the purposes of such proceedings.

(Sec. 403, 48 Stat. 1094; 47 U.S.C. 403)

§ 1.2 Declaratory rulings.

The Commission may, in accordance with section 5(d) of the Administrative Procedure Act, on motion or on its own motion issue a declaratory ruling terminating a controversy or removing uncertainty.

(5 U.S.C. 554)

§ 1.3 Suspension, amendment, or waiver of rules.

The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.

CROSS REFERENCE: See Subpart C of this part for practice and procedure involving rulemaking.

§ 1.4 Computation of time.

(a) *Purpose.* The purpose of this rule section is to detail the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission. It also applies to computation of time for seeking both reconsideration and judicial review of Commission decisions.

(b) *General Rule—Computation of Beginning Date When Action is Initiated by Commission or Staff.* Unless otherwise provided, the first day to be counted when a period of time begins with an action taken by the Commission, Review Board, an Administrative Law Judge or by members of the Commission or its staff pursuant to delegated authority is the *day after the day* on which public notice of that action is given. *See* § 1.4(b) (1)-(5) of this section. Unless otherwise provided, all Rules measuring time from the date of the issuance of a Commission document entitled "Public Notice" shall be calculated in accordance with this section. *See* § 1.4(b)(4) of this section for a description of the "Public Notice" document. Unless otherwise provided in § 1.4 (g) and (h) of this section, it is immaterial whether the first day is a "holiday." *See* § 1.4(e)(1) of this section for definition of "holiday."

NOTE: For purposes of this section, when the date of "public notice" falls on a holiday, "public notice" shall be deemed to occur at 3 p.m. Eastern Time on the next business day. The term "public notice" means the date of the day, commencing at 3 p.m. Eastern Time, after any of the following dates:

(1) For documents in notice and comment rule making proceedings, including summaries thereof, the date of publication in the FEDERAL REGISTER.

Example 1: A document in a Commission rule making proceeding is published in the FEDERAL REGISTER on Wednesday, May 6, 1987. Public notice commences at 3 p.m. Eastern Time on Thursday, May 7, 1987. The first day to be counted in computing the beginning date of a period of time for action in response to the document is Friday, May 8, 1987, the "day after the day" of public notice.

Example 2: A Notice of Proposed Rule Making is released to the public on Wednesday, July 1, 1987, but not published in the FEDERAL REGISTER until Friday, July 10, 1987. Since "the day after the day" of FEDERAL REGISTER publication falls on a Saturday, public notice is deemed to occur at 3 p.m. Eastern Time on the next business day, which is Monday, July 13, 1987. The first day to be counted in computing filing periods is Tuesday, July 14, 1987.

Example 3: Section 1.429(e) provides that when a petition for reconsideration is timely filed in proper form, public notice of its filing is published in the FEDERAL REGISTER. Section 1.429(f) provides that oppositions to a petition for reconsideration shall be filed within 15 days after public notice of the petition's filing in the FEDERAL REGISTER. Public notice of the filing of a petition for reconsideration is published in the FEDERAL REGISTER on Wednesday, June 10, 1987. For purposes of computing the filing period for an opposition, the first day to be counted is Friday, June 12, 1987, which is the day after the date of public notice. Therefore, oppositions to the reconsideration petition must be filed by Friday, June 26, 1987, 15 days later.

(2) For non-rulemaking documents released by the Commission or staff, whether or not published in the FEDERAL REGISTER, the release date. A document is "released" by making the full text available to the press and public in the Commission's Office of Public Affairs. The release date appears on the face of the document.

Example 4: The Chief, Mass Media Bureau, adopts an order on Thursday, April 2, 1987. The text of that order is not released to the public until Friday, April 3, 1987. Since the "day after the day" of release falls on a Saturday, in accordance with § 1.4(b), public notice of this decision is given at 3 p.m. Eastern Time, Monday, April 6, 1987. Tuesday, April 7, 1987, is the first day to be counted in computing filing periods.

(3) For rule makings of particular applicability, if the rule making document is to be published in the FEDERAL REGISTER and the Commission so states in its decision, the date of public notice will commence at 3 p.m. Eastern Time on the day following the FEDERAL REGISTER publication date. If the decision fails to specify FEDERAL REGISTER publication, the date of public notice will commence at 3 p.m. Eastern Time on the day following the release date, even if the document is subsequently published in the FEDERAL REGISTER. *See Declaratory Ruling*, 51 FR 23059 (June 25, 1986).

Example 5: An order establishing an investigation of a tariff, and designating issues to be resolved in the investigation, is released on Wednesday, April 1, 1987, and is published in the FEDERAL REGISTER on Friday, April 10, 1987. If the decision itself specifies FEDERAL REGISTER publication, the date of public notice is 3 p.m. Eastern Time on Monday, April 13, 1987; because public notice would be on a Saturday, it is deemed to occur on the following Monday. If the decision itself does not specify FEDERAL REGISTER publication, public notice occurs at 3 p.m. Eastern Time on Thursday, April 2

1987, and the first day to be counted in computing filing periods is Friday, April 3, 1987.

(4) If the full text of an action document is not to be released by the Commission, but a descriptive document entitled "Public Notice" describing the action is released, the date on which the descriptive "Public Notice" is released.

Example 6: At a public meeting the Commission considers an uncontested application to transfer control of a broadcast station. The Commission grants the application and does not plan to issue a full text of its decision on the uncontested matter. Five days after the meeting, a descriptive "Public Notice" announcing the action is publicly released. The date of public notice commences at 3 p.m. Eastern Time on the day after the release date.

Example 7: A Public Notice of petitions for rule making filed with the Commission is released on Wednesday, September 2, 1987; public notice of these petitions is given at 3 p.m. Eastern Standard Time September 3, 1987, the day after release. The first day to be counted in computing filing times is Friday, September 4, 1987.

(5) If a document is neither published in the FEDERAL REGISTER nor released, and if a descriptive document entitled "Public Notice" is not released, the date appearing on the document sent (*e.g.*, mailed, telegraphed, etc.) to persons affected by the action.

Example 8: A Bureau grants a license to an applicant, or issues a waiver for non-conforming operation to an existing licensee, and no "Public Notice" announcing the action is released. The date of public notice commences at 3 p.m. Eastern Time on the day following the date appearing on the license mailed to the applicant or appearing on the face of the letter granting the waiver mailed to the licensee.

NOTE: See *Memorandum Opinion and Order, Gen. Docket No. 80-448*, 85 FCC 2d 618, 627-28 (1981), for further examples of effective date and time computation.

(c) *General Rule—Computation of Beginning Date When Action is Initiated by Act, Event or Default.* Commission procedures frequently require the computation of a period of time where the period begins with the occurrence of an act, event or default and terminates a specific number of days thereafter. Unless otherwise provided, the first day to be counted when a period of time begins with the occurrence of an act, event or default is the day after the day on which the act, event or default occurs.

Example 9: Commission Rule § 21.39(d) requires the filing of an application requesting consent to involuntary assignment or control of the permit or license within thirty days after the occurrence of the death or legal disability of the licensee or permittee. If a licensee passes away on Sunday, March 1, 1987, the first day to be counted pursuant to § 1.4(c) is the day after the act or event. Therefore, Monday, March 2, 1987, is the first day of the thirty day period specified in § 21.39(d).

(d) *General Rule—Computation of Terminal Date.* Unless otherwise provided, when computing a period of time the last day of such period of time is included in the computation, and any action required must be taken on or before that day.

Example 10: Paragraph 1.4(b)(1) of this section provides that "public notice" in a notice and comment rule making proceeding begins at 3 p.m. Eastern Time on the "day after the day" of FEDERAL REGISTER publication. Paragraph 1.4(b) of this section provides that the first day to be counted in computing a terminal date is the "day after the day" on which public notice occurs. Therefore, if the Commission allows or requires an action to be taken 20 days after public notice in the FEDERAL REGISTER, the first day to be counted is the second day after the date of the FEDERAL REGISTER publication. Accordingly, if the FEDERAL REGISTER document is published on Thursday, July 23, 1987, public notice is given at 3 p.m. Eastern Time on Friday, July 24, and the first day to be counted in computing a 20 day period is Saturday, July 25, 1987. The 20th day or terminal date upon which action must be taken is Thursday, August 13, 1987.

Example 11: Commission Rule § 22.30 requires competing applicants to file a petition to deny within 30 days after the date of public notice of the acceptance for filing of a license application. 47 CFR 22.30(a)(4). A document entitled "Public Notice" announcing acceptance of the license application of Acme Communications Corporation is issued on Friday, August 7, 1987. "Public notice" commences at 3 p.m. Eastern Time on Saturday, August 8, 1987. However, since this is a holiday, public notice is deemed to commence at 3 p.m. Eastern Standard Time on the next business day, which is Monday, August 10, 1987. The first day to be counted in computing the petition to deny deadline is Tuesday, August 11, 1987 (the "day after

best copy available

the day" of public notice). Therefore, the 30th day is Wednesday, September 9, 1987.

(e) Definitions for purposes of this section:

(1) The term "holiday" means Saturday, Sunday, officially recognized federal legal holidays and any other day on which the Commission's offices are closed and not reopened prior to 5:30 p.m. For example, a regularly scheduled Commission business day may become a "holiday" if its offices are closed prior to 5:30 p.m. due to adverse weather, emergency or other closing.

NOTE: As of August 1987, officially recognized federal legal holidays are New Year's Day, January 1; Martin Luther King's Birthday, third Monday in January; Washington's Birthday, third Monday in February; Memorial Day, last Monday in May; Independence Day, July 4; Labor Day, first Monday in September; Columbus Day, second Monday in October; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25. If a legal holiday falls on Saturday or Sunday, the holiday is taken, respectively, on the preceding Friday or the following Monday. In addition, January 20, (Inauguration Day) following a Presidential election year is a legal holiday in the metropolitan Washington, DC area. If Inauguration Day falls on Sunday, the next succeeding day is a legal holiday. *See* 5 U.S.C. 6103; Executive Order No. 11582, 36 FR 2957 (Feb. 11, 1971). The determination of a "holiday" will apply only to the specific Commission location(s) designated as on "holiday" on that particular day.

(2) The term "business day" means all days, including days when the Commission opens later than the time specified in Rule § 0.403, which are not "holidays" as defined above.

(3) The term "filing period" means the number of days allowed or prescribed by statute, rule, order, notice or other Commission action for filing any document with the Commission. It does not include any additional days allowed for filing any document pursuant to paragraphs (g), (h) and (j) of this section.

(4) The term "filing date" means the date upon which a document must be filed after all computations of time authorized by this section have been made.

(f) Except as provided in § 0.401(b) of the Rules, all petitions, pleadings, tariffs or other documents not required to be accompanied by a fee and which are hand-delivered must be tendered for filing in complete form before 5:30 p.m. in the Office of the Secretary, either in Washington or Gettysburg, as directed by the Rules. The Secretary will determine whether a tendered document meets the pre-5:30 deadline.

(g) If the filing period is less than 7 days, intermediate holidays shall not be counted in determining the filing date.

Example 12: A reply is required to be filed within 5 days after the filing of an opposition in a license application proceeding. The opposition is filed on Wednesday, June 10, 1987. The first day to be counted in computing the 5 day time period is Thursday, June 11, 1987. Saturday and Sunday are not counted because they are "holidays." The document must be filed with the Commission on or before the following Wednesday, June 17, 1987.

(h) If a document is required to be served upon other parties by statute or Commission regulation and the document is in fact served by mail (see § 1.47(f)), and the filing period for a response is 10 days or less, an additional 3 days (excluding holidays) will be allowed for filing a response. This paragraph (§ 1.4(h)) shall not apply to documents filed pursuant to § 1.89, § 1.120(d), § 1.315(b) or § 1.316.

Example 13: A reply to an opposition for a petition for reconsideration must be filed within 7 days after the opposition is filed. 47 CFR 1.106(h). The rules require that the opposition be served on the person seeking reconsideration. 47 CFR 1.106(g). If the opposition is served on the party seeking reconsideration by mail and the opposition is filed with the Commission on Monday, November 9, 1987, the first day to be counted is Tuesday, November 10, 1987 (the day after the day on which the event occurred, § 1.4(c)), and the seventh day is Monday, November 16. An additional 3 days (excluding holidays) is then added at the end of the 7 day period, and the reply must be filed no later than Thursday, November 19, 1987.

(i) If both paragraphs (g) and (h) of this section are applicable, make the paragraph (g) computation before the paragraph (h) computation.

Example 14: Section 1.45(b) requires the filing of replies to oppositions within five days after the time for filing oppositions has expired. If an opposition has been filed on the last day of the filing period (Friday, July 10, 1987), and was served on the replying party by mail, § 1.4(i) of this section specifies that the paragraph (g) computation should be made before the paragraph (h) computation. Therefore, since the specified filing period is less than seven days, paragraph (g) is applied first. The first day of the filing period is Monday, July 13, 1987, and Friday, July 17, 1987 is the fifth day (the intervening weekend was not counted). Paragraph (h) is then applied to add three days for mailing (excluding holidays). That period begins on Monday, July 20, 1987. Therefore, Wednesday, July 22, 1987, is the date by which replies must be filed, since the intervening weekend is again not counted.

(j) If the filing date falls on a holiday, the document shall be filed on the next business day. *See* § 1.4(e)(1) of this section.

Example 15: The filing date falls on Friday, December 25, 1987. The document is required to be filed on the next business day, which is Monday, December 28, 1987.

(k) Where specific provisions of Part 1 conflict with this section, those specific provisions of Part 1 are controlling. *See, e.g.*, §§ 1.45(d), 1.773(a)(3) and 1.773(b)(2).

[52 FR 49159, Dec. 30, 1987; 53 FR 44196, Nov. 2, 1988]

§ 1.5 Mailing address furnished by licensee.

(a) Each licensee shall furnish the Commission with an address to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

(b) The licensee is responsible for making any arrangements which may be necessary in his particular circumstances to assure that Commission documents or correspondence delivered to this address will promptly reach him or some person authorized by him to act in his behalf.

§ 1.6 Availability of station logs and records for Commission inspection.

(a) Station records and logs shall be made available for inspection or duplication at the request of the Commission or its representative. Such logs or records may be removed from the licensee's possession by a Commission representative or, upon request, shall be mailed by the licensee to the Commission by either registered mail, return receipt requested, or certified mail, return receipt requested. The return receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. A receipt shall be furnished when the logs or records are removed from the licensee's possession by a Commission representative and this receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. When the Commission has no further need for such records or logs, they shall be returned to the licensee. The provisions of this rule shall apply solely to those station logs and records which are required to be maintained by the provisions of this chapter.

(b) Where records or logs are maintained as the official records of a recognized law enforcement agency and the removal of the records from the possession of the law enforcement agency will hinder its law enforcement activities, such records will not be removed pursuant to this section if the chief of the law enforcement agency promptly certifies in writing to the Federal Communications Commission that removal of the logs or records will hinder law enforcement activities of the agency, stating insofar as feasible the basis for his decision and the date when it can reasonably be expected that such records will be released to the Federal Communications Commission.

§ 1.8 Withdrawal of papers.

The granting of a request to dismiss or withdraw an application or a pleading does not authorize the removal of such application or pleading from the Commission's records.

§ 1.10 Transcript of testimony; copies of documents submitted.

In any matter pending before the Commission, any person submitting data or evidence, whether acting under compulsion or voluntarily, shall have the right to retain a copy thereof, or to procure a copy of any document submitted by him, or of any transcript made of his testimony, upon payment of the charges therefor to the person furnishing the same, which person may be designated by the Commission. The Commission itself shall not be responsible for furnishing the copies.

[29 FR 14406, Oct. 20, 1964]

§ 1.12 Notice to attorneys of Commission documents.

In any matter pending before the Commission in which an attorney has appeared for, submitted a document on behalf of or been otherwise designated by a person, any notice or other written communication pertaining to that matter issued by the Commission and which is required or permitted to be furnished to the person will be communicated to the attorney, or to one of such attorneys if more than one is designated. If direct communication with the party is appropriate, a copy of such communication will be mailed to the attorney.

[29 FR 14406, Oct. 20, 1964]

§ 1.13 Filing of petitions for review and notices of appeals of Commission orders.

(a)(1) This section pertains to each party filing a petition for review in any United States court of appeals of a Commission Order, pursuant to section 402(a) of the Communications Act, 47 U.S.C. 402(a), and 28 U.S.C. 2342(1), that wishes to avail itself of procedures established for selection of a court in the case of multiple appeals, pursuant to 28 U.S.C. 2112(a). Each such party shall, within ten days after the issuance of that order, file with the General Counsel in the Office of General Counsel, Room 614, 1919 M Street NW., Washington, DC 20554, a copy of its petition for review as filed and date-stamped by the court of appeals within which it was filed. Such copies of petitions for review must be filed by 5:30 p.m. Eastern Time on the tenth day of the filing period. A stamp indicating the time and date received by the Office of General Counsel will constitute proof of filing. Upon receipt of any copies of petitions for review, the Commission shall follow the procedures established in section 28 U.S.C. 2112(a) to determine the court in which to file the record in that case.

(2) Computation of time of the ten-day period for filing copies of petitions for review of a Commission order shall be governed by § 1.4 of the Commission's Rules. 47 CFR 1.4. The date of issuance of a Commission order for purposes of filing copies of petitions for review shall be the date of public notice as defined in § 1.4(b), 47 CFR 1.4(b).

(b) Copies of notices of appeals filed pursuant to 47 U.S.C. 402(b) shall be served upon the General Counsel.

NOTE.—For administrative efficiency, the Commission requests that any petitioner seeking judicial review of Commission actions pursuant to 47 U.S.C. 402(a) serve a copy of its petition on the General Counsel regardless of whether it wishes to avail itself of the procedures for multiple appeals set forth in 47 U.S.C. 2112(a).

[54 FR 12453, Mar. 27, 1989]

§ 1.14 Citation of Commission documents.

The appropriate reference to the FCC Record shall be included as part of the citation to any document that has been printed in the Record. The citation should provide the volume, page number and year, in that order (e.g., 1 FCC Rcd. 1 (1986). Older documents may continue to be cited to the FCC Reports, first or second series, if they were printed in the Reports (e.g., 1 FCC 2d 1 (1965)).

[51 FR 45890, Dec. 23, 1986]

§ 1.16 Unsworn declarations under penalty of perjury in lieu of affidavits.

Any document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person, except that such declaration shall not be used in connection with: (a) A deposition, (b) an oath of office, or (c) an oath required to be taken before a specified official other than a notary public. Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form:

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date).

(Signature)".

(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verfiy, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date).

(Signature)".

[48 FR 8074, Feb. 25, 1983]

§ 1.17 Truthful written statements and responses to Commission inquiries and correspondence.

The Commission or its representatives may, in writing, require from any applicant, permittee or licensee written statements of fact relevant to a determination whether an application should be granted or denied, or to a determination whether a license should be revoked, or to some other matter within the jurisdiction of the Commission. No applicant, permittee or licensee shall in any response to Commission correspondence or inquiry or in any application, pleading, report or any other written statement submitted to the Commission, make any misrepresentation or willful material omission bearing on any matter within the jurisdiction of the Commission.

NOTE: Section 1.17 is limited in application to written matter. It implies no change in the Commission's existing policies respecting the obligation of applicants, permittees and licensees in all instances to respond truthfully to requests for information deemed necessary to the proper execution of the Commission's functions.

[55 FR 23084, June 6, 1990]

PARTIES, PRACTITIONERS, AND WITNESSES

§ 1.21 Parties.

(a) Any party may appear before the Commission and be heard in person or by attorney.

(b) The appropriate Bureau Chief(s) of the Commission shall be deemed to be a party to every adjudicatory proceeding (as defined in the Administrative Procedure Act) without the necessity of being so named in the order designating the proceeding for hearing.

(c) When, in any proceeding, a pleading is filed on behalf of either the General Counsel or the Chief Engineer, he shall thereafter be deemed a party to the proceeding.

(d) Except as otherwise expressly provided in this chapter, a duly authorized corporate officer or employee may act for the corporation in any matter which has not been designated for an evidentiary hearing and, in the discretion of the presiding officer, may appear and be heard on behalf of the corporation in an evidentiary hearing proceeding.

[28 FR 12415, Nov. 22, 1963, as amended at 37 FR 8527, Apr. 28, 1972; 44 FR 39180, July 5, 1979; 51 FR 12616, Apr. 14, 1986]

§ 1.22 Authority for representation.

Any person, in a representative capacity, transacting business with the Commission, may be required to show his authority to act in such capacity.

§ 1.23 Persons who may be admitted to practice.

(a) Any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any state, territory, or of the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law, may represent others before the Commission.

(b) When such member of the bar acting in a representative capacity appears in person or signs a paper in practice before the Commission, his personal appearance or signature shall constitute a representation to the Commission that, under the provisions of this chapter and the law, he is authorized and qualified to represent the particular party in whose behalf he acts. Further proof of authority to act in a representative capacity may be required.

§ 1.24 Censure, suspension, or disbarment of attorneys.

(a) The Commission may censure, suspend, or disbar any person who has practiced, is practicing or holding himself out as entitled to practice before it if it finds that such person:

(1) Does not possess the qualifications required by § 1.23;

(2) Has failed to conform to standards of ethical conduct required of practitioners at the bar of any court of which he is a member;

(3) Is lacking in character or professional integrity; and/or

(4) Displays toward the Commission or any of its hearing officers conduct which, if displayed toward any court of the United States or any of its Territories or the District of Columbia, would be cause for censure, suspension, or disbarment.

(b) Before any member of the bar of the Commission shall be censured, suspended, or disbarred, charges shall be preferred by the Commission against such practitioner and he shall be afforded an opportunity to be heard thereon.

§ 1.25 Former Commissioners and employees.

(a) [Reserved]

(b) No member, officer, or employee of the Commission: (1) Whose active service with the Commission has terminated but who is receiving pay while on annual leave not taken prior to separation from such active service, or (2) who is in any other leave status, shall appear as attorney or participate in the preparation or handling of any matter before, or to be submitted to, the Commission.

(c) *Restrictions on any former Commission employee's acting as representative as to a particular matter in which the employee personally and substantially participated.* No former Commissioner or Commission employee (including special Government employee) shall knowingly act as agent or attorney for, or otherwise represent, any other person (other than the United States) in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication to the Commission on behalf of any other person in connection with any particular Commission matter involving a specific party in which the Commissioner or employee participated personnally and substantially while so employed. See 18 U.S.C. 207(a) and 5 CFR 737.5.

(d)(1) *Two-year restriction on any former Commission employee's acting as representative as to a particular matter for which the employee had official responsibility.* No former Commissioner or Commission employee (including special Government employee), within two years after the cessation of such employment, shall knowingly act as agent or attorney for, or otherwise represent, any other person (other than the United States) in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication on behalf of any other person (other than the United States) to the Commission in connection with any particular Commission matter involving a specific party which was actually pending at the Commission and was under his or her official responsibility within one year prior to the termination of such responsibility. See 18 U.S.C. 207(b) and 5 CFR 737.7.

(2) *Two-year restriction on a former senior employee's assisting in representation as to a matter in which the employee participated personally and substantially.* No former Commissioner or senior employee (as defined in paragraph (h)) of the Commission (including special Government employee), within two years after the cessation of such employment, shall knowingly represent or aid, counsel, advise, consult, or assist in representing any other person (other then the United States) by personal presence at any formal or informal appearance before the Commission in connection with any particular Commission matter involving a specific party in which he or she participated personally and sub-

stantially as an employee. See 18 U.S.C. 207(b) and 5 CFR 737.9 and 737.33.

(e) *One-year restriction on a former senior employee's transactions with former agency on a particular matter, regardless of prior involvement.* (1) No former Commissioner or senior employee (as defined in paragraph (h)) of the Commission (other than a special Goverment employee who serves for fewer than 60 days in a calendar year), within one year after such employment has ceased, shall knowingly act as agent or attorney for, or otherwise represent, any person (other than the United States) in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication to the Commission on behalf of anyone (including himself or herself) other than the United States in connection with any particular Commission matter (whether or not involving a specific party) which is pending before the Commission or in which the Commission has a direct and substanital interest. See 18 U.S.C. 207(c) and 5 CFR 737.11 and 737.33.

(2) The prohibition of this subsection shall not apply to appearances, communications, or representation by a former Commissioner or employee, who is an elected official of a State or local government, or whose principal occupation or employment is with (i) an agency or instrumentality of a State or local government, (ii) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, or (iii) a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1954, and the appearance, communication, or representation is on behalf of such government, institution, hospital, or organization. See 18 U.S.C. 207(d)(2) and 5 CFR 737.11(b).

(3) The prohibition contained in this subsection shall not apply to appearances or communications by a former Commissioner or employee concerning matters of a personal and individual nature; nor shall the prohibition of this subsection prevent a former Commissioner or employee from making or providing a statement which is based on the former Commissioner's or employee's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received, other than that regularly provided for by law or regulation for witnesses. See 18 U.S.C. 207(i) and 5 CFR 737.11 (h) and (i).

(f) The prohibitions of paragraphs (c), (d), and (e) of this section shall not apply with respect to the making of communications solely for the purpose of furnishing scientific or technological information under procedures acceptable to the Commission. See 18 U.S.C. 207(f) and 5 CFR 737.15.

(g) The prohibitions of paragraphs (c), (d), and (e) of this section shall not apply if the Commission, in consultation with the Director of the Office of Government Ethics, makes a certification, published in the FEDERAL REGISTER, that the former Commissioner or employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former Commissioner or employee. See 18 U.S.C. 207(f) and 5 CFR 737.17.

(h)(1) The phrase "senior employee," when used in this section, means an officer or employee in a position established within the Senior Executive Service (pursuant to the Civil Service Reform Act of 1978) or a position for which the basic rate of pay is equal to or greater than the basic pay rate of GS-17 of the General Schedule prescribed by 5 U.S.C. 5332, and who has significant decisionmaking or supervisory responsibility. Such officers and employees are so designated by the Office of Government Ethics in consultation with the head of the agency. See 5 CFR 737.25 and 737.33.

(2) The phrase "particular Commission matter involving a specific party," when used in paragraphs (c) and (d) of this section, means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or

other particular matter involving a specific party or parties in which the Commission is a party or has a direct and substantial interest.

NOTE: Such a matter typically involves a specific proceeding affecting the legal rights of the parties or an isolatable transaction or related set of transactions between identifiable parties. Rulemaking, legislation, the formulation of general policy, standards or objectives, or other action of general application is not such a matter. Therefore, a former Commission employee may represent another person in connection with a particular matter involving a specific party even if rules or policies which he or she had a role in establishing are involved in the proceeding.

(3) The phrase "participated personally and substantially" as used in this section is defined in 5 CFR 737.5(d).

(4) The phrase "official responsibility" as used in this section is defined in 5 CFR 737.7(b).

(i) Nothing in this section shall prevent a former Commissioner or employee from giving testimony under oath or from making statements required to be made under penalty of perjury. See 18 U.S.C. 207(h) and 5 CFR 737.19.

(j) Measurement of the restriction periods contained in this section is outlined in 5 CFR 737.7(e), 737.9(e), and 737.11(j).

(k) If the Commission finds, after notice and opportunity for a hearing, that such former, Commissioner or employee violated the prohibitions of this section, the Commission may prohibit that person from making, on behalf of any other person (except the United States), any informal or formal appearances before, or, with the intent to influence, any oral or written communication to, the Commission on a pending matter of business for a period not to exceed five years, or may take other appropriate disciplinary action. Such disciplinary action shall be subject to review in an appropriate United States district court. See 18 U.S.C. 207(j).

(Secs. 4(i) and 303(r), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r); 18 U.S.C. 207(j))

[28 FR 13785, Dec. 18, 1963, as amended at 48 FR 44800, Sept. 30, 1983]

§ 1.26 Appearances.

Rules relating to appearances are set forth in §§ 1.87, 1.91, 1.221, and 1.703.

§ 1.27 Witnesses; right to counsel.

Any individual compelled to appear in person in any Commission proceeding may be accompanied, represented, and advised by counsel as provided in this section. (Regulations as to persons seeking voluntarily to appear and give evidence are set forth in § 1.225.)

(a) Counsel may advise his client in confidence, either upon his own initiative or that of the witness, before, during, and after the conclusion of the proceeding.

(b) Counsel for the witness will be permitted to make objections on the record, and to state briefly the basis for such objections, in connection with any examination of his client.

(c) At the conclusion of the examination of his client, counsel may ask clarifying questions if in the judgment of the presiding officer such questioning is necessary or desirable in order to avoid ambiguity or incompleteness in the responses previously given.

(d) Except as provided by paragraph (c) of this section, counsel for the witness may not examine or cross-examine any witness, or offer documentary evidence, unless authorized by the Commission to do so.

(5 U.S.C. 555)

[29 FR 12775, Sept. 10, 1964]

§ 1.28 Administrative enforcement of improper post-employment activity.

(a) *General.* A violation of § 1.25 of this part may be cause for appropriate administrative action which may be in addition to any penalty prescribed by law. This section is established to enforce the provisions of § 1.25 of this part and to implement the provisions of 5 CFR 737.27.

(b) *Initiation of enforcement action.* (1) Information regarding a possible violation of § 1.25 of this part or of 18 U.S.C. 207 by a former Commissioner or former Commission employee may be brought to the attention of the Commission by filing such information with the Designated Agency Ethics Official (see 47 CFR 0.231(i)).

(2) On receipt of information regarding a possible violation of § 1.25 of this part or 18 U.S.C. 207, and after determining that such information appears substantiated, the General Counsel shall expeditiously provide such information, along with any comments or Commission regulations, to the Director of the Office of Government Ethics and to the Criminal Division, Department of Justice. The Commission shall coordinate any investigation on administrative action with the Department of Justice to avoid prejudicing criminal proceedings, unless the Department of Justice communicates to the Commission that it does not intend to initiate criminal prosecution.

(3) Whenever the Commission has determined after appropriate review that there is reasonable cause to believe that a former Commissioner or Commission employee has violated § 1.25 of this part or 18 U.S.C. 207, it may designate the matter for an administrative disciplinary proceeding.

(c) *Hearing.* (1) Upon designating such matter for an administrative disciplinary proceeding, the Commission shall provide the former Commissioner or former Commission employee with notice of an intention to institute a proceeding and an opportunity for a hearing. Such notice shall include: (i) A statement of allegations (and the basis thereof) sufficiently detailed to enable the former Commission employee to prepare an adequate defense; (ii) notification of the right to a hearing; and (iii) an explanation of the method by which a hearing may be requested.

(2) If such former Commissioner or Commission employee has failed to request a hearing within the time specified after receiving adequate notice or has waived the opportunity for a hearing, the Commission may take such administrative action as outlined in paragraph (d) of this section.

(3)(i) The presiding official at proceedings under this section shall be the Chairman or an individual designated by the Chairman or by the Commission.

(ii) The presiding official at such proceeding must be a Commissioner, a member of the Review Board, an Administrative Law Judge, an attorney employed by the Commission, or a person qualified to practice law as provided in § 1.23 of this part. The presiding official shall be provided with appropriate administrative and secretarial support by the Managing Director.

(iii) The presiding official shall be impartial. No individual who has participated in any manner in the decision to initiate the proceeding may serve as the presiding official in those proceedings.

(4) The hearing shall be conducted at a reasonable time, date, and place. In setting a hearing date, the presiding official shall give due regard to the former government employee's need for: (i) Adequate time to prepare a defense properly; and (ii) an expeditious resolution of allegations that may be damaging to his or her reputation.

(5) The hearing shall include, at a minimum, the following rights for all parties: (i) To represent oneself or to be represented by counsel; (ii) to introduce and examine witnesses and to submit physical evidence; (iii) to confront and cross-examine adverse witnesses; (iv) to present oral argument; and (v) to a transcript or recording of the proceedings, on request.

(6) In any hearing under this section, the Commission has the burden of proof and must establish substantial evidence of a violation.

(7)(i) The presiding official shall make a determination exclusively on matters of record in the proceeding, and shall set forth in an initial decision all findings of fact and conclusions of law relevant to the matters at issue.

(ii) Within 30 days after the initial decision, any party to the proceeding may appeal the decision to the Commission. Unless the Commission orders otherwise, other parties to the proceeding may file comments within 20 days after such appeal is filed, and the party which filed such appeal may file a reply within 10 days after the period for filing comments has expired. The Commission shall base its decision on such appeal solely on the record of the proceedings or those portions thereof cited by the parties to limit the issues.

(iii) If the Commission modifies or reverses the initial decision, it shall specify such findings of fact and conclusions of law as are different from those of the presiding official.

(d) *Administrative sanctions.* The Commission may take appropriate action in the case of any individual who failed to request a hearing after receiving adequate notice or who was found in violation of § 1.25 of this part, of 5 CFR Part 737, or of 18 U.S.C. 207 after a final administrative decision, by: (1) Prohibiting the individual from making, on behalf of any other person (except the United States), any formal or informal appearance before, or with the intent to influence, any oral or written communication to, the Commission on any matter of business for a period not to exceed five years, which may be accomplished by directing Commission employees to refuse to participate in any such appearance or to accept any such communication; (2) taking other appropriate disciplinary action.

(e) *Judicial review.* Any person found to have participated in a violation of § 1.25 of this part, of 5 CFR Part 737, or of 18 U.S.C. 207 may seek judicial review of the administrative determination.

(Secs. 4(i) and 303(r), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r); 18 U.S.C. 207(j))

[48 FR 44801, Sept. 30, 1983]

§ 1.29 Current partners of current employees.

No current partner of a current Commissioner or current Commission employee (including a special Government employee) shall act as agent or attorney for anyone (other than the United States) before the Commission in connection with any particular Commission matter in which such Commissioner or employee participates or has participated personally and substantially as a Commissioner or employee, or which is the subject of his or her official responsibility. See 18 U.S.C. 207(g) and 5 CFR 737.21.

(Secs. 4(i) and 303(r), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r); 18 U.S.C. 207(j))

[48 FR 44802, Sept. 30, 1983]

PLEADINGS, BRIEFS, AND OTHER PAPERS

§ 1.41 Informal requests for Commission action.

Except where formal procedures are required under the provisions of this chapter, requests for action may be submitted informally. Requests should set forth clearly and concisely the facts relied upon, the relief sought, the statutory and/or regulatory provisions (if any) pursuant to which the request is filed and under which relief is sought, and the interest of the person submitting the request.

§ 1.42 Applications, reports, complaints; cross-reference.

(a) Rules governing applications and reports are contained in Subparts D, E, and F of this part.

(b) Special rules governing complaints against common carriers arising under the Communications Act are set forth in Subpart E of this part.

§ 1.43 Requests for stay; cross-reference.

General rules relating to requests for stay of any order or decision are set forth in §§ 1.41, 1.44(e), 1.45(d) and (e), and 1.298(a). See also §§ 1.102, 1.106(n), and 1.115(h).

§ 1.44 Separate pleadings for different requests.

(a) Requests requiring action by the Commission shall not be combined in a pleading with requests for action by an administrative law judge or by any person or persons acting pursuant to delegated authority.

(b) Requests requiring action by an administrative law judge shall not be combined in a pleading with requests for action by the Commission or by any person or persons acting pursuant to delegated authority.

(c) Requests requiring action by any person or persons pursuant to delegated authority shall not be combined in a pleading with requests for action by any other person or persons acting pursuant to delegated authority.

(d) Pleadings which combine requests in a manner prohibited by paragraph (a), (b), or (c) of this section may be returned without consideration to the person who filed the pleading.

(e) Any request to stay the effectiveness of any decision or order of the Commission shall be filed as a separate pleading. Any such request which is not filed as a separate pleading will not be considered by the Commission.

NOTE: Matters which are acted on pursuant to delegated authority are set forth in Subpart B of Part 0 of this chapter. Matters acted on by the hearing examiner are set forth in § 0.341.

§ 1.45 Pleadings; filing periods.

Except as otherwise provided in this chapter, pleadings in Commission proceedings shall be filed in accordance with the provisions of this section.

(a) *Oppositions.* Oppositions to any motion, petition, or request may be filed within 10 days after the original pleading is filed. For matters related to Part 22 of the rules, these microfiche copies must be filed within 15 calendar days of the paper filing (see § 22.6).

(b) *Replies.* The person who filed the original pleading may reply to oppositions within 5 days after the time for filing oppositions has expired. The reply shall be limited to matters raised in the oppositions, and the response to all such matters shall be set forth in a single pleading; separate replies to individual oppositions shall not be filed. For matters related to Part 22 of the rules, three microfiche copies must be filed within 15 calendar days of the paper filing (see § 22.6).

(c) *Additional pleadings.* Additional pleadings may be filed only if specifically requested or authorized by the Commission.

(d) *Requests for temporary relief; shorter filing periods.* Oppositions to a request for stay of any order or to a request for other temporary relief shall be filed within 7 days after the request is filed. Replies to oppositions should not be filed and will not be considered. The provisions of § 1.4(h) shall not apply in computing the filing date for oppositions to a request for stay or for other temporary relief.

(e) *Ex parte disposition of certain pleadings.* As a matter of discretion, the Commission may rule ex parte upon requests for continuances and extensions of time, requests for permission to file pleadings in excess of the length prescribed in this chapter, and requests for temporary relief, without waiting for the filing of oppositions or replies.

NOTE: Where specific provisions contained in Part 1 conflict with this section, those specific provisions are controlling. See, in particular, §§ 1.294(c), 1.298(a), and 1.773.

[28 FR 12415, Nov. 22, 1963, as amended at 33 FR 7153, May 15, 1968; 45 FR 64190, Sept. 29, 1980; 54 FR 31032, July 26, 1989; 54 FR 37682, Sept. 12, 1989]

§ 1.46 Motions for extension of time.

(a) It is the policy of the Commission that extensions of time shall not be routinely granted.

(b) Motions for extension of time in which to file responses to petitions for rulemaking, replies to such responses, comments filed in response to notice of proposed rulemaking, replies to such comments and other papers in rulemaking proceedings conducted under Subpart C of this part shall be filed at least 7 days before the filing date. If a timely motion is denied, the responses and comments, replies thereto, or other papers need not be filed until 2 business days after the Commission acts on the motion. In emergency situations, the Commission will consider a late-filed motion for a brief extension of time related to the duration of the emergency and will consider motions for acceptance of comments, reply comments or other papers filed after the filing date.

(c) If a motion for extension of time in which to file papers in proceedings other than notice and comment rule making proceedings is filed less than 7 days prior to the day for filing the papers, the party filing the motion shall (in addition to serving the motion on other parties) orally notify other parties and Commission staff personnel responsible for acting on the motion that the motion has been (or is being) filed.

[39 FR 43301, Dec. 12, 1974, as amended at 41 FR 9550, Mar. 5, 1976; 41 FR 14871, Apr. 8, 1976; 42 FR 28887, June 6, 1977]

§ 1.47 Service of documents and proof of service.

(a) Where the Commission or any person is required by statute or by the provisions of this chapter to serve any document upon any person, service shall (in the absence of specific provisions in this chapter to the contrary) be made in accordance with the provisions of this section.

(b) Where any person is required to serve any document filed with the Commission, service shall be made by that person or by his representative on or before the day on which the document is filed: *Provided, however,* That formal complaints filed under section 208 of the Communications Act will be served by the Commission.

(c) Commission counsel who formally participate in any proceeding shall be served in the same manner as other persons who participate in that proceeding. The filing of a document with the Commission does not constitute service upon Commission counsel.

(d) Documents may be served upon a party, his attorney, or other duly constituted agent by delivering a copy or by mailing a copy to the last known address. When a party is represented by an attorney of record in a formal proceeding, service shall be made upon such attorney.

(e) Delivery of a copy pursuant to this section means handing it to the party, his attorney, or other duly constituted agent; or leaving it with the clerk or other person in charge of the office of the person being served; or, if there is no one in charge of such office, leaving it in a conspicuous place therein; or, if such office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

(f) Service by mail is complete upon mailing.

(g) Proof of service, as provided in this section, shall be filed before action is taken. The proof of service shall show the time and manner of service, and may be by written acknowledgement of service, by certificate of the person effecting the service, or by other proof satisfactory to the Commission. Failure to make proof of service will not affect the validity of the service. The Commission may allow the proof to be amended or supplied at any time, unless to do so would result in material prejudice to a party.

[28 FR 12415, Nov. 22, 1963, as amended at 40 FR 55644, Dec. 1, 1975; 53 FR 11852, Apr. 11, 1988]

§ 1.48 Length of pleadings.

(a) Affidavits, statements, tables of contents and summaries of filings, and other materials which are submitted with and factually support a pleading are not counted in determining the length of the pleading. If other materials are submitted with a pleading, they will be counted in determining its length; and if the length of the pleadings, as so computed, is greater than permitted by the provisions of this chapter, the pleading will be returned without consideration.

(b) It is the policy of the Commission that requests for permission to file pleadings in excess of the length prescribed by the provisions of this chapter shall not be routinely granted. Where the filing period is 10 days or less, the request shall be made within 2 business days after the period begins to run. Where the period is more than 10 days, the request shall be filed at least 10 days before the filing date. (See § 1.4.) If a timely request is made, the pleading need not be filed earlier than 2 business days after the Commission acts upon the request.

[41 FR 14871, Apr. 8, 1976, and 49 FR 40169, Oct. 15, 1984]

§ 1.49 Specifications as to pleadings and documents.

(a) All pleadings and documents filed in any proceeding shall be on 8½ x 11 inch size paper. The impression shall be double spaced, except that long quotations shall be single spaced and indented. All papers shall be typewritten or prepared by mechanical processing methods. The left hand margin shall be not less than 1½ inches wide. Both sides of the paper may be used. (If both sides are used, it is the right hand margin of even-numbered pages which shall be at least 1½ inches wide; and the pleading shall be bound—e.g., stapled twice—in the left hand margin, so as to open like a book). The foregoing shall not apply to printed briefs, official publications, charts and maps, original documents (or admissible copies thereof) offered as exhibits, specially prepared exhibits, or if otherwise specifically provided. All copies shall be clearly legible.

(b) Except as provided in paragraph (d) of this section, all pleadings and documents filed with the Commission, the length of which as computed under this chapter exceeds ten pages, shall include, as part of the pleading or document, a table of contents with page references.

(c) Except as provided in paragraph (d) of this section, all pleadings and documents filed with the Commission, the length of which filings as computed under this chapter exceeds ten pages, shall include, as part of the pleading or document, a summary of the filing, suitably paragraphed, which should be a succinct, but accurate and clear condensation of the substance of the filing. It should not be a mere repetition of the headings under which the filing is arranged. For pleadings and documents exceeding ten but not twenty-five pages in length, the summary should seldom exceed one and never two pages; for pleadings and documents exceeding twenty-five pages in length, the summary should seldom exceed two and never five pages.

(d) The requirements of paragraphs (b) and (c) of this section shall not apply to:

(1) Interrogatories or answers to interrogatories, and depositions;

(2) FCC forms or applications;

(3) Transcripts;

(4) Contracts and reports;

(5) Letters; or

(6) Hearing exhibits, and exhibits or appendicies accompanying any document or pleading submitted to the Commission.

(e) In addition to the provisions above, pleadings related to Part 22 of the rules, must also be submitted on microfiche. See § 22.6 for specifications.

NOTE: The table of contents and the summary pages shall not be included in complying with any page limitation requirements as set forth by Commission rule.

[40 FR 19198, May 2, 1975, as amended at 47 FR 26393, June 18, 1982; 51 FR 16322, May 2, 1986; 54 FR 31032, July 26, 1989]

§ 1.50 Specifications as to briefs.

Briefs may be printed, typewritten, mimeographed, multigraphed, or multilithed. Printed briefs shall be in 10- or 12-point type, on good unglazed paper, 5⅛ inches wide by 9 inches long, with inside margin not less than 1½ inches wide, and with double spaced text and single spaced quotations. Typewritten, mimeographed, multigraphed, or multilithed briefs shall conform to the specifications for pleadings and documents set forth in § 1.49.

§ 1.51 Number of copies of pleadings, briefs and other papers.

Except as otherwise specifically provided in the Commission's rules and regulations, the number of copies of pleadings, briefs, and other papers to be filed is as follows:

(a) In hearing proceedings, the following number of copies shall be filed:

(1) If the paper filed relates to a matter to be acted upon by the presiding officer or the Chief Administrative Law Judge, an original and 6 copies shall be filed.

(2) If the paper filed relates to matters to be acted on by the Review Board, an original and 11 copies shall be filed.

(3) If the paper filed relates to matters to be acted on by the Commission, an original and 14 copies shall be filed.

(4) If more than one person presided (is presiding) at the hearing an additional copy shall be filed for each such additional person.

(b) In rulemaking proceedings which have not been designated for hearing, see section 1.419 of this Chapter.

(c) In matters other than rule making and hearing cases, the following number of copies shall be filed:

(1) If the paper filed relates to matters to be acted on by the Commission, an original and 4 copies shall be filed. If the matter relates to Part 22 of the rules, see § 22.6.

(2) If the paper filed related to matters to be acted on by staff officials under delegated authority, an original and 4 copies shall be filed. If the matter relates to Part 22 of the rules, see § 22.6.

(d) Where statute or regulation provides for service by the Commission of papers filed with the Commission, an additional copy of such papers shall be filed for each person to be served.

(e) The parties to any proceeding may, on notice, be required to file additional copies of any or all papers filed in that proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

[40 FR 48136, Oct. 14, 1975, as amended at 41 FR 50399, Nov. 16, 1976; 45 FR 64190, Sept. 29, 1980; 45 FR 79486, Dec. 1, 1980; 50 FR 26567, June 27, 1985; 54 FR 29037, July 11, 1989; 54 FR 31032, July 26, 1989]

§ 1.52 Subscription and verification.

The original of all petitions, motions, pleadings, briefs, and other documents filed by any party represented by counsel shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign and verify the document and state his address. Either the original document, or an electronic reproduction of such original document containing the facsimile signature of the attorney or unrepresented party is acceptable for filing. If a facsimile copy of a document is filed, the signatory shall retain the original until the Commission's decision is final and no longer subject to judicial review. Except when otherwise specifically provided by rule or statute, documents signed by the attorney for a party need not be verified or accompanied by affidavit. The signature or electronic reproduction thereof by an attorney constitutes a certificate by him that he has read the document; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If the original of a document is not signed or is signed with intent to defeat the purpose of this section, or an electronic reproduction does not contain a facsimile signature, it may be stricken as sham and false, and the matter may proceed as though the document had not been filed. An attorney may be subjected to appropriate disciplinary action, pursuant to § 1.24, for a willful violation of this rule or if scandalous or indecent matter is inserted.

[50 FR 19360, May 8, 1985]

GENERAL APPLICATION PROCEDURES

§ 1.61 Procedures for handling applications requiring special aeronautical study.

(a) Antenna surveys are conducted by the Antenna Survey Branch of the Regional Services Division, Field Operations Bureau.

(b) Each operating bureau or office examines the applications for which it is responsible to ascertain whether or not antenna consideration is required. If such consideration is required, the antenna data is furnished to the Antenna Survey Branch.

(c) The Antenna Survey Branch then ascertains whether applicant is required to submit a "Notice of Proposed Construction or Alteration" [FAA Form 7460-1] to the Federal Aviation Administration.

(d) If FAA Form 7460-1 is not required, the application and appropriate antenna painting and lighting specifications are returned to the originating bureau or office for such further action as is necessary.

(e) If FAA Form 7460-1 is required, the originating bureau or office will be so advised. Unless the application includes a statement that FAA Form 7460-1 has been submitted to the Federal Aviation Administration, the originating bureau or office will notify the applicant to do so.

(f) Upon receipt of a report from the Federal Aviation Administration approving a proposed antenna, the Antenna Survey Branch prescribes antenna tower painting and lighting specifications or other conditions in accordance with the provisions of Part 17 of this chapter and forwards this information to the originating bureau or office. If the proposed tower is disapproved, a report of the disapproval is forwarded to the originating bureau or office.

(g) Where one or more antenna farm areas have been designated for a community or communities (see § 17.9 of this chapter), an application for a construction permit proposing the erection of an antenna structure over 1,000 feet in height above ground to serve such community or communities will not be accepted for filing unless:

(1) It is proposed to locate the antenna structure in a designated antenna farm area, or

(2) It is accompanied by a statement from the Federal Aviation Administration that the proposed structure will not constitute a menace to air navigation, or

(3) It is accompanied by a request for waiver setting forth reasons sufficient, if true, to justify such a waiver.

NOTE: By Commission Order (FCC 65-455), 30 FR 7419, June 5, 1965, the Commission issued the following policy statement concerning the height of radio and television antenna towers:

"We have concluded that this objective can best be achieved by adopting the following policy: Applications for antenna towers higher than 2,000 feet above ground will be presumed to be inconsistent with the public interest, and the applicant will have a burden of overcoming that strong presumption. The applicant must accompany its application with a detailed showing directed to meeting this burden. Only in the exceptional case, where the Commission concludes that a clear and compelling showing has been made that there are public interest reasons requiring a tower higher than 2,000 feet above ground, and after the parties have complied with applicable FAA procedures, and full Commission coordination with FAA on the question of menace to air navigation, will a grant be made. Applicants and parties in interest will, of course, be afforded their statutory hearing rights."

[28 FR 12415, Nov. 22, 1963, as amended at 32 FR 8813, June 21, 1967; 32 FR 20860, Dec. 28, 1967; 34 FR 6481, Apr. 15, 1969; 45 FR 55201, Aug. 19, 1980]

§ 1.62 Operation pending action on renewal application.

(a)(1) Where there is pending before the Commission at the time of expiration of license any proper and timely application for renewal of license with respect to any activity of a continuing nature, in accordance with the provisions of section 9(b) of the Administrative Procedure Act, such license shall continue in effect without further action by the Commission until such time as the Commission shall make a final determination with respect to the renewal application. No operation by any licensee under this section shall be construed as a finding by the Commission that the operation will serve the public interest, convenience, or necessity, nor shall such operation in any way affect or limit the action of the Commission with respect to any pending application or proceeding.

(2) A licensee operating by virtue of this paragraph shall, after the date of expiration specified in the license, post, in addition to the original license, any acknowledgment received from the Commission that the renewal application has been accepted for filing or a signed copy of the application for renewal of license which has been submitted by the licensee, or in services other than broadcast and common carrier, a statement certifying that the licensee has mailed or filed a renewal application, specifying the date of mailing or filing.

(b) Where there is pending before the Commission at the time of expiration of license any proper and timely application for renewal or extension of the term of a license with respect to any activity not of a continuing nature, the Commission may in its discretion grant a temporary extension of such license pending determination of such application. No such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve the public interest, convenience, or necessity beyond the express terms of such temporary extension of license, nor shall such temporary extension in any way affect or limit the action of the Commission with respect to any pending application or proceeding.

(c) Except where an instrument of authorization clearly states on its face that it relates to an activity not of a continuing nature, or where the noncontinuing nature is otherwise clearly apparent upon the face of the authorization, all licenses issued by the Commission shall be deemed to be related to an activity of a continuing nature.

(5 U.S.C. 558)

§ 1.65 Substantial and significant changes in information furnished by applicants to the Commission.

(a) Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving a pending application. Except where paragraph (b) of this section applies, whenever the information furnished in the pending application is no longer substantially accurate and complete in all significant respects, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of his application so as to furnish such additional or corrected information as may be appropriate. Except where paragraph (b) of this section applies, whenever there has been a substantial change as to any other matter which may be of decisional significance in a Commission proceeding involving the pending application, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, submit a statement furnishing such additional or corrected information as may be appropriate, which shall be served upon parties of record in accordance with § 1.47. Where the matter is before any court for review, statements and requests to amend shall in addition be served upon the Commission's General Counsel. For the purposes of this section, an application is "pending" before the Commission from the time it is accepted for filing by the Commission until a Commission grant or denial of the application is no longer subject to reconsideration by the Commission or to review by any court.

(b) Changes in information relating to § 1.1622, lottery preferences, must be furnished to the Commission no more than 7 days after the changes occur until: (1) In the case of a nonmutually exclusive application, the Commission releases the Public Notice proposing the application for grant; or (2) in the case of a mutually exclusive application, the Commission releases the final Public Notice announcing the acceptance of the last-filed mutually exclusive application.

(c) All broadcast permittees and licensees must report to the Commission any adverse finding or adverse final action taken by any court or administrative body, within 30 days of the issuance of any such adverse finding or adverse final action, that involves conduct bearing on the permittee's or licensee's character qualifications and that would be reportable in connection with an application for renewal as reflected in the renewal form.

[48 FR 27200, June 13, 1983, as amended at 55 FR 23084, June 6, 1990]

§ 1.68 Action on application for license to cover construction permit.

(a) An application for license by the lawful holder of a construction permit will be granted without hearing where the Commission, upon examination of such application, finds that all the terms, conditions, and obligations set forth in the application and permit have been fully met, and that no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of the Commission, make the operation of such station against the public interest.

(b) In the event the Commission is unable to make the findings in paragraph (a) of this section, the Commission will designate the application for hearing upon specified issues.

(Sec. 319, 48 Stat. 1089, as amended; 47 U.S.C. 319)

§ 1.77 Detailed application procedures cross references.

The application procedures set forth in §§ 1.61 through 1.68 are general i nature. More detailed procedures ar set forth in this chapter as follows:

(a) Rules governing applications fo authorizations in the Broadcast Radi Services are set forth in Subpart D this part.

(b) Rules governing applications fo authorizations in the Common Carrie Radio Services are set forth in Sub part E of this part.

(c) Rules governing applications fo authorizations in the Private Radi

Services are set forth in Subpart F of this part.

(d) Rules governing applications for authorizations in the Experimental Radio Services (other than broadcast) are set forth in Part 5 of this chapter.

(e) Rules governing applications for authorizations in the Domestic Public Radio Services are set forth in Part 21 of this chapter.

(f) Rules governing applications for authorizations in the Industrial, Scientific, and Medical Service are set forth in Part 18 of this chapter.

(g) Rules governing applications for type approval and type acceptance of equipment are set forth in Part 2, Subpart F, of this chapter.

(h) Rules governing applications for commercial radio operator licenses are set forth in Part 13 of this chapter.

[28 FR 12415, Nov. 22, 1963, as amended at 44 FR 39180, July 5, 1979; 47 FR 53378, Nov. 26, 1982]

MISCELLANEOUS PROCEEDINGS

§ 1.80 Forfeiture proceedings.

(a) *Persons against whom and violations for which, a forfeiture may be assessed.* forfeiture penalty may be assessed against any person found to have:

(1) Willfully or repeatedly failed to comply substantially with the terms and conditions of any license, permit, certificate, or other instrument of authorization issued by the Commission;

(2) Willfully or repeatedly failed to comply with any of the provisions of the Communications Act of 1934, as amended; or of any rule, regulation or order issued by the Commission under that Act or under any treaty, convention, or other agreement to which the United States is a party and which is binding on the United States;

(3) Violated any provision of section 317(c) or 509(a) of the Communications Act; or

(4) Violated any provision of section 1304, 1343, or 1464 of Title 18, United States Code.

A forfeiture penalty assessed under this section is in addition to any other penalty provided for by the Communications Act, except that the penalties provided for in pargraphs (b)(1), (b)(2) and (b)(3) of this section shall not apply to conduct which is subject to a forfeiture penalty under section 202(c), 203(e), 205, 214(d), 219(b), 220(d), 364, 386, or 507 of the Communications Act. The remaining provisions of this section are applicable to such conduct.

(b) *Limits on the amount of forfeiture assessed.* (1) If the violator is a broadcast station licensee or permittee, a cable television operator, or an applicant for any broadcast or cable television operator license, permit, certificate, or other instrument of authorization issued by the Commission, except as otherwise noted in this paragraph, the forfeiture penalty determined under this section shall not exceed $25,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $250,000 for any single act or failure to act described in paragraph (a) of this section. There is no limit on forfeiture assessments for EEO violations by cable operators that occur after notification by the Commission of a potential violation. *See* section 634(f)(2) of the Communications Act.

(2) If the violator is a common carrier subject to the provisions of the Communications Act or an applicant for any common carrier license, permit, certificate, or other instrument of authorization issued by the Commission, the amount of any forfeiture penalty determined under this section shall not exceed $100,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $1,000,000 for any single act or failure to act described in paragraph (a) of this section.

(3) In any case not covered in paragraph (b)(1) or (b)(2) above, the amount of any forfeiture penalty determined under this section shall not exceed $10,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $75,000 for any single act or failure to act described in paragraph (a) of this section.

NOTE: For information concerning notices of apparent liability and notices of opportunity for hearing, see paragraphs (e), (f), and (g) of this section.

(4) *Factors considered in determining the amount of the forfeiture penalty.* In determining the amount of the forfeiture penalty, the Commission or its designee will take into account the nature, circumstances, extent and gravity of the violations and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(c) *Limits on the time when a proceeding may be initiated.* (1) In the case of a broadcast station, no forfeiture penalty shall be imposed if the violation occurred more than 3 years prior to the date on which the notice of apparent liability or notice of opportunity for hearing is issued. In addition, no forfeiture penalty shall be imposed if the violation occurred more than 1 year prior to the issuance of the appropriate notice or prior to the date of commencement of the current license term, whichever is earlier.

(2) In the case of a forfeiture imposed against a carrier under sections 202(c), 203(e), and 220(d), no forfeiture will be imposed if the violation occurred more than 5 years prior to the issuance of a notice of apparent liability.

(3) In all other cases, no penalty shall be imposed if the violation occurred more than 1 year prior to the date on which the appropriate notice is issued.

(d) *Preliminary procedure in some cases; citations.* No forfeiture penalty shall be imposed upon any person under this section, if such person does not hold a license, permit, certificate, or other authorization issued by the Commission, unless, prior to the issuance of the appropriate notice, such person: (1) Is sent a citation reciting the violation charged; (2) is given a reasonable opportunity (usually 30 days) to request a personal interview with a Commission official, at the field office which is nearest to such person's place of residence; and (3) subsequently engages in conduct of the type described in the citation. However, a forfeiture penalty may be imposed, if such person is engaged in (and the violation relates to) activities for which a license, permit, certificate, or other authorization is required, or if such person is a cable television system operator. Paragraph (c) of this section does not limit the issuance of citations. When the requirements of this paragraph have been satisfied with respect to a particular violation by a particular person, a forfeiture penalty may be imposed upon such person for conduct of the type described in the citation without issuance of an additional citation.

(e) *Alternative procedures.* In the discretion of the Commission, a forfeiture proceeding may be initiated either: (1) By issuing a notice of apparent liability, in accordance with paragraph (f) of this section, or (2) a notice of opportunity for hearing, in accordance with paragraph (g).

(f) *Notice of apparent liability.* Before imposing a forfeiture penalty under the provisions of this paragraph, the Commission or its designee will issue a written notice of apparent liability.

(1) *Content of notice.* The notice of apparent liability will: (i) Identify each specific provision, term, or condition of any act, rule, regulation, order, treaty, convention, or other agreement, license, permit, certificate, or instrument of authorization which the respondent has apparently violated or with which he has failed to comply,

(ii) Set forth the nature of the act or omission charged against the respondent and the facts upon which such charge is based,

(iii) State the date(s) on which such conduct occurred, and

(iv) Specify the amount of the apparent forfeiture penalty.

(2) *Delivery.* The notice of apparent liability will be sent to the respondent, by certified mail, at his last known address (see § 1.15).

(3) *Response.* The respondent will be afforded a reasonable period of time (usually 30 days from the date of the notice) to show, in writing, why a forfeiture penalty should not be imposed or should be reduced, or to pay the forfeiture. Any showing as to why the forfeiture should not be imposed or should be reduced shall include a de-

tailed factual statement and such documentation and affidavits as may be pertinent.

(4) *Forfeiture order.* If the proposed forfeiture penalty is not paid in full in response to the notice of apparent liability, the Commission, upon considering all relevant information available to it, will issue an order canceling or reducing the proposed forfeiture or requiring that it be paid in full and stating the date by which the forfeiture must be paid.

(5) *Judicial enforcement of forfeiture order.* If the forfeiture is not paid, the case will be referred to the Department of Justice for collection under section 504(a) of the Communications Act.

(g) *Notice of opportunity for hearing.* The procedures set out in this paragraph will ordinarily be followed only when a hearing is being held for some reason other than the assessment of a forfeiture (such as, to determine whether a renewal application should be granted) and a forfeiture is to be considered as an alternative or in addition to any other Commission action. However, these procedures may be followed whenever the Commission, in its discretion, determines that they will better serve the ends of justice.

(1) Before imposing a forfeiture penalty under the provisions of this paragraph, the Commission will issue a notice of opportunity for hearing. The hearing will be a full evidentiary hearing before an administrative law judge, conducted under procedures set out in Subpart B of this part, including procedures for appeal and review of initial decisions. A final Commission order assessing a forfeiture under the provisions of this paragraph is subject to judicial review under section 402(a) of the Communications Act.

(2) If, after a forfeiture penalty is imposed and not appealed or after a court enters final judgment in favor of the Commission, the forfeiture is not paid, the Commission will refer the matter to the Department of Justice for collection. In an action to recover the forfeiture, the validity and appropriateness of the order imposing the forfeiture are not subject to review.

(h) *Payment.* The forfeiture should be paid by check or money order drawn to the order of the Federal Communications Commission. The Commission does not accept responsibility for cash payments sent through the mails. The check or money order should be mailed to the Forfeiture Unit, Financial Services Branch, FCC, Box 19209, Washington, DC 20036, or delivered to the Forfeiture Unit, Financial Services Branch, Room 452, 1919 M St., NW., Washington, DC 20554.

(i) *Remission and mitigation.* In its discretion, the Commission, or its designee, may remit or reduce any forfeiture imposed under this section. After issuance of a forfeiture order, any request that it do so shall be submitted as a petition for reconsideration pursuant to § 1.106.

(j) *Effective date.* Amendments to paragraph (b) of this section implementing Pub. L. No. 101-239 are effective December 19, 1989.

[43 FR 49308, Oct. 23, 1978, as amended at 48 FR 15631, Apr. 12, 1983; 50 FR 40855, Oct. 7, 1985; 52 FR 5288, Feb. 20, 1987; 55 FR 25605, June 22, 1990]

§ 1.83 Applications for radio operator licenses.

(a) Application filing procedures for amateur radio operator licenses are set forth in Part 97 of this chapter.

(b) Application filing procedures for commercial radio operator licenses are set forth in Part 13 of this chapter. Detailed information about application forms, filing procedures, and places to file applications for commercial radio operator licenses is contained in the bulletin "Commercial Radio Operator Licenses and Permits." This bulletin is available from any Commission field office or from the FCC, Washington, D.C. 20554.

[47 FR 53378, Nov. 26, 1982]

§ 1.84 Procedure with respect to commercial radio operator license applications.

(a) Upon acceptance of an application for a commercial radio operator license, filed in accordance with Part 13 of this chapter, an examination, if required, is conducted. If the applicant is found qualified and eligible in all respects, the license will be issued. If additional information is necessary to determine an applicant's qualifications or eligibility, or if it appears that a grant of an application would not serve the public interest, the applicant will be notified in writing and given an opportunity to provide additional pertinent information in writing. If, from the information available, it appears that the applicant is not qualified or is ineligible, or that a grant of the application would not serve the public interest, the applicant will be advised thereof in writing and given an opportunity to request, within a specified period of time, that the application be set for hearing. If the applicant does not request, within the specified period, that the application be set for hearing, the application will be denied.

(b)-(c) [Reserved]

(d) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice where an application has not yet been designated for hearing; such dismissal may be made with prejudice after an application has been designated for hearing.

(Sec. 303(l), 48 Stat. 1082, as amended; 47 U.S.C. 303(l))

[29 FR 15965, Nov. 24, 1964, as amended at 47 FR 53378, Nov. 26, 1982]

§ 1.85 Suspension of operator licenses.

Whenever grounds exist for suspension of an operator license, as provided in section 303(m) of the Communications Act, the Chief of the Private Radio Bureau, with respect to amateur operator licenses, or the Chief of the Field Operations Bureau, with respect to commercial operator licenses, may issue an order suspending the operator license. No order of suspension of any operator's license shall take effect until 15 days' notice in writing of the cause for the proposed suspension has been given to the operator licensee, who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application before the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing said order of suspension shall be designated for hearing by the Chief, Private Radio Bureau, or the Chief, Field Operations Bureau, as the case may be, and said order of suspension shall be held in abeyance until the conclusion of the hearing. Upon the conclusion of said hearing, the Commission may affirm, modify, or revoke said order of suspension. If the license is ordered suspended, the operator shall send his operator license to the office of the Commission in Washington, D.C., on o before the effective date of the ord or, if the effective date has passed a the time notice is received, the license shall be sent to the Commission forthwith.

(Sec. 303(m), 48 Stat. 1082, as amended; 47 U.S.C. 303(m))

[28 FR 10415, Nov. 22, 1963, as amended at 44 FR 39180, July 5, 1979]

§ 1.87 Modification of license or construction permit on motion of the Commission.

(a) Whenever it appears that a station license or construction permit should be modified, the Commission shall notify the licensee or permittee in writing of the proposed action and reasons therefor, and afford the licensee or permittee at least thirty days to protest such proposed order of modification, except that, where safety of life or property is involved, the Commission may by order provide a shorter period of time.

(b) The notification required in paragraph (a) of this section may be effectuated by a notice of proposed rule making in regard to a modification or addition of an FM or television channel to the Table of Allotments (§§ 73.202 and 73.504) or Table of Assignments (§ 73.606). The Commission shall send a copy of any such notice of proposed rule making to the affected licensee or permittee by certified mail, return receipt requested.

(c) Any other licensee or permittee who believes that its license or permit would be modified by the proposed action may also protest the proposed action before its effective date.

(d) Any protest filed pursuant to this section shall be subject to the requirements of section 309 of the Communications Act of 1934, as amended, for petitions to deny.

(e) In any case where a hearing is conducted pursuant to the provisions of this section, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission except that, with respect to any issue that pertains to the question of whether the proposed action would modify the license or permit of a person filing a protest pursuant to paragraph (c) of this section, such burdens shall be as described by the Commission.

(f) In order to utilize the right to a hearing and the opportunity to appear and give evidence upon the issues specified in any hearing order, the licensee or permittee, in person or by attorney, shall, within the period of time as may be specified in the hearing order, file with the Commission a written statement stating that he or she will appear at the hearing and present evidence on the matters specified in the hearing order.

(g) The right to file a protest or have a hearing shall, unless good cause is shown in a petition to be filed not later than 5 days before the lapse of time specified in paragraph (a) or (f) of this section, be deemed waived:

(1) In case of failure to timely file the protest as required by paragraph (a) of this section or a written statement as required by paragraph (f) of this section.

(2) In case of filing a written statement provided for in paragraph (f) of this section but failing to appear at the hearing, either in person or by counsel.

(h) Where the right to file a protest or have a hearing is waived, the licensee or permittee will be deemed to have consented to the modification as proposed and a final decision may be issued by the Commission accordingly. Irrespective of any waiver as provided for in paragraph (g) of this section or failure by the licensee or permittee to raise a substantial and material question of fact concerning the proposed modification in his protest, the Commission may, on its own motion, designate the proposed modification for hearing in accordance with this section.

(i) Any order of modification issued pursuant to this section shall include a statement of the findings and the grounds and reasons therefor, shall specify the effective date of the modification, and shall be served on the licensee or permittee.

[52 FR 22654, June 15, 1987]

§ 1.88 Predesignation pleading procedure.

In cases where an investigation is being conducted by the Commission in connection with the operation of a broadcast station or a pending application for renewal of a broadcast license, the licensee may file a written statement to the Commission setting forth its views regarding the matters under investigation; the staff, in its discretion, may in writing, advise such licensee of the general nature of the investigation, and advise the licensee of its opportunity to submit such a statement to the staff. Any filing by the licensee will be forwarded to the Commission in conjunction with any staff memorandum recommending that the Commission take action as a result of the invesigation. Nothing in this rule shall supersede the application of our ex parte rules to situations described in § 1.1203 of these rules.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

[45 FR 65597, Oct. 3, 1980]

§ 1.89 Notice of violations.

(a) Except in cases of willfulness or those in which public health, interest, or safety requires otherwise, any person who holds a license, permit or other authorization appearing to have violated any provision of the Communications Act or any provision of this chapter will, before revocation, suspension, or cease and desist proceedings are instituted, be served with a written notice calling these facts to his or her attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose. The Notice of Violation may be combined with a Notice of Apparent Liability to Monetary Forfeiture. In such event, notwithstanding the Notice of Violation, the provisions of § 1.80 apply and not those of § 1.89.

(b) Within 10 days from receipt of notice or such other period as may be specified, the recipient shall send a written answer, in duplicate, directly to the Commission office originating the official notice. If an answer cannot be sent or an acknowledgment cannot be made within such 10-day period by reason of illness or other unavoidable circumstance, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. In every instance the answer shall contain a statement of action taken to correct the condition or omission complained of and to preclude its recurrence. In addition:

(1) If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus and any new apparatus is to be installed, the answer shall state the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application.

(2) If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge (where applicable) shall be given.

[48 FR 24890, June 3, 1983]

§ 1.91 Revocation and/or cease and desist proceedings; hearings.

(a) If it appears that a station license or construction permit should be revoked and/or that a cease and desist order should be issued, the Commission will issue an order directing the person to show cause why an order of revocation and/or a cease and desist order, as the facts may warrant, should not be issued.

(b) An order to show cause why an order of revocation and/or a cease and desist order should not be issued will contain a statement of the matters with respect to which the Commission is inquiring and will call upon the person to whom it is directed (the respondent) to appear before the Commission at a hearing, at a time and place stated in the order, but not less than thirty days after the receipt of such order, and given evidence upon the matters specified in the order to show cause. However, if safety of life or property is involved, the order to show cause may specify a hearing date less than thirty days from the receipt of such order.

(c) To avail himself of such opportunity for hearing, the respondent, personally or by his attorney, shall file with the Commission, within thirty days of the service of the order or such shorter period as may be specified therein, a written appearance stating that he will appear at the hearing and present evidence on the matters specified in the order. The Commission in its discretion may accept a late appearance. However, an appearance tendered after the specified time has expired will not be accepted unless accompanied by a petition stating with particularity the facts and reasons relied on to justify such late filing. Such petition for acceptance of late appearance will be granted only if the Commission determines that the facts and reasons stated therein constitute good cause for failure to file on time.

(d) Hearings on the matters specified in such orders to show cause shall accord with the practice and procedure prescribed in this subpart and Subpart B of this part, with the following exceptions: (1) In all such revocation and/or cease and desist hearings, the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission; and (2) the Commission may specify in a show cause order when the circumstances of the proceeding require expedition, a time less than that prescribed in §§ 1.276 and 1.277 within which the initial decision in the proceeding shall become effective, exceptions to such initial decision must be filed, parties must file requests for oral argument, and parties must file notice of intention to participate in oral argument.

(e) Correction of or promise to correct the conditions or matters complained of in a show cause order shall not preclude the issuance of a cease and desist order. Corrections or promises to correct the conditions or matters complained of, and the past record of the licensee, may, however, be considered in determining whether a revocation and/or a cease and desist order should be issued.

(f) Any order of revocation and/or cease and desist order issued after hearing pursuant to this section shall include a statement of findings and the grounds therefor, shall specify the effective date of the order, and shall be served on the person to whom such order is directed.

(Sec. 312, 48 Stat. 1086, as amended; 47 U.S.C. 312)

§ 1.92 Revocation and/or cease and desist proceedings; after waiver of hearing.

(a) After the issuance of an order to show cause, pursuant to § 1.91, calling upon a person to appear at a hearing before the Commission, the occurrence of any one of the following events or circumstances will constitute a waiver of such hearing and the proceeding thereafter will be conducted in accordance with the provisions of this section.

(1) The respondent fails to file a timely written appearance as prescribed in § 1.91(c) indicating that he will appear at a hearing and present evidence on the matters specified in the order.

(2) The respondent, having filed a timely written appearance as prescribed in § 1.91(c), fails in fact to appear in person or by his attorney at the time and place of the duly scheduled hearing.

(3) The respondent files with the Commission, within the time specified for a written appearance in § 1.91(c), a written statement expressly waiving his rights to a hearing.

(b) When a hearing is waived under the provisions of paragraph (a) (1) or (3) of this section, a written statement signed by the respondent denying or seeking to mitigate or justify the circumstances or conduct complained of in the order to show cause may be submitted within the time specified in § 1.91(c). The Commission in its discretion may accept a late statement. However, a statement tendered after the specified time has expired will not be accepted unless accompanied by a petition stating with particularity the facts and reasons relied on to justify such late filing. Such petitions for acceptance of a late statement will be granted only if the Commission determines that the facts and reasons stated therein constitute good cause for failure to file on time.

(c) Whenever a hearing is waived by the occurrence of any of the events or circumstances listed in paragraph (a) of this section, the Chief Administrative Law Judge (or the presiding officer if one has been designated) shall, at the earliest practicable date, issue an order reciting the events or circumstances constituting a waiver of hearing, terminating the hearing proceeding, and certifying the case to the Commission. Such order shall be served upon the respondent.

(d) After a hearing proceeding has been terminated pursuant to paragraph (c) of this section, the Commission will act upon the matters specified in the order to show cause in the regular course of business. The Commission will determine on the basis of all the information available to it from any source, including such further proceedings as may be warranted, if a revocation order and/or a cease and desist order should issue, and if so, will issue such order. Otherwise, the Commission will issue an order dismissing the proceeding. All orders specified in this paragraph will include a statement of the findings of the Commission and the grounds and reasons therefor, will specify the effective date thereof, and will be served upon the respondent.

(e) Corrections or promise to correct the conditions or matters complained of in a show cause order shall not preclude the issuance of a cease and desist order. Corrections or promises to correct the conditions or matters complained of, and the past record of the licensee, may, however, be considered in determining whether a revocation and/or a cease and desist order should be issued.

(Sec. 312, 48 Stat. 1086, as amended; 47 U.S.C. 312)

[28 FR 12415, Nov. 22, 1963, as amended at 29 FR 6443, May 16, 1964; 37 FR 19372, Sept. 20, 1972]

§ 1.93 Consent orders.

(a) As used in this subpart, a "consent order" is a formal decree accepting an agreement between a party to an adjudicatory hearing proceeding held to determine whether that party has violated statutes or Commission rules or policies and the appropriate operating Bureau, with regard to such party's future compliance with such statutes, rules or policies, and disposing of all issues on which the proceeding was designated for hearing. The order is issued by the officer designated to preside at the hearing or (if no officer has been designated) by the Chief Administrative Law Judge.

(b) Where the interests of timely enforcement or compliance, the nature of the proceeding, and the public interest permit, the Commission, by its operating Bureaus, may negotiate a consent order with a party to secure future compliance with the law in exchange for prompt disposition of a matter subject to administrative adjudicative proceedings. Consent orders may not be negotiated with respect to matters which involve a party's basic statutory qualifications to hold a license (see 47 U.S.C. 308 and 309).

[41 FR 14871, Apr. 8, 1976]

§ 1.94 Consent order procedures.

(a) Negotiations leading to a consent order may be initiated by the operating Bureau or by a party whose possible violations are issues in the proceeding. Negotiations may be initiated at any time after designation of a proceeding for hearing. If negotiations are initiated the presiding officer shall be notified. Parties shall be prepared at the initial prehearing conference to state whether they are at that time willing to enter negotiations. See § 1.248(c)(7). If either party is unwilling to enter negotiations, the hearing proceeding shall proceed. If the parties agree to enter negotiations, they will be afforded an appropriate opportunity to negotiate before the hearing is commenced.

(b) Other parties to the proceeding are entitled, but are not required, to participate in the negotiations, and may join in any agreement which is reached.

(c) Every agreement shall contain the following:

(1) An admission of all jurisdictional facts;

(2) A waiver of the usual procedures for preparation and review of an initial decision;

(3) A waiver of the right of judicial review or otherwise to challenge or contest the validity of the consent order;

(4) A statement that the designation order may be used in construing the consent order;

(5) A statement that the agreement shall become a part of the record of the proceeding only if the consent order is signed by the presiding officer and the time for review has passed without rejection of the order by the Commission;

(6) A statement that the agreement is for purposes of settlement only and that its signing does not constitute an admission by any party of any violation of law, rules or policy (see 18 U.S.C. 6002); and

(7) A draft order for signature of the presiding officer resolving by consent, and for the future, all issues specified in the designation order.

(d) If agreement is reached, it shall be submitted to the presiding officer or Chief Administrative Law Judge, as the case may be, who shall either sign the order, reject the agreement, or suggest to the parties that negotiations continue on such portion of the agreement as he considers unsatisfactory or on matters not reached in the agreement. If he rejects the agreement, the hearing shall proceed. If he suggests further negotiations, the hearing will proceed or negotiations will continue, depending on the wishes of parties to the agreement. If he signs the consent order, he shall close the record.

(e) Any party to the proceeding who has not joined in any agreement which is reached may appeal the consent order under § 1.302, and the Commission may review the agreement on its own motion under the provisions of that section. If the Commission rejects the consent order, the proceeding will be remanded for further proceedings. If the Commission does not reject the consent order, it shall be entered in the record as a final order and is subject to judicial review on the initiative only of parties to the proceeding who did not join in the agreement. The Commission may revise the agreement and consent order. In that event, private parties to the agreement may either accept the revision or withdraw from the agreement. If the party whose possible violations are issues in the proceeding withdraws from the agreement, the consent order will not be issued or made a part of the record, and the proceeding will be remanded for further proceedings.

(f) The provisions of this section shall not alter any existing procedure for informal settlement of any matter prior to designation for hearing (see, e.g., 47 U.S.C. 208) or for summary decision after designation for hearing.

(g) Consent orders, pleadings relating thereto, and Commission orders with respect thereto shall be served on parties to the proceeding. Public notice will be given of orders issued by an administrative law judge, the Chief Administrative Law Judge, or the Commission. Negotiating papers constitute work product, are available to parties participating in negotiations, but are not routinely available for public inspection.

[41 FR 14871, Apr. 8, 1976]

§ 1.95 Violation of consent orders.

Violation of a consent order shall subject the consenting party to any and all sanctions which could have been imposed in the proceeding resulting in the consent order if all of the issues in that proceeding had been decided against the consenting party and to any further sanctions for violation noted as agreed upon in the consent order. The Commission shall have the burden of showing that the consent order has been violated in some (but not in every) respect. Violation of the consent order and the sanctions to be imposed shall be the only issues considered in a proceeding concerning such an alleged violation.

[41 FR 14871, Apr. 8, 1976]

RECONSIDERATION AND REVIEW OF ACTIONS TAKEN BY THE COMMISSION AND PURSUANT TO DELEGATED AUTHORITY; EFFECTIVE DATES AND FINALITY DATES OF ACTIONS

§ 1.101 General provisions.

Under section 5(d) of the Communications Act of 1934, as amended, the Commission is authorized, by rule or order, to delegate certain of its functions to a panel of commissioners, an individual commissioner, an employee board, or an individual employee. Section 0.201(a) of this chapter describes in general terms the basic categories of delegations which are made by the Commission. Subpart B of Part 0 of this chapter sets forth all delegations which have been made by rule. Sections 1.102 through 1. 20 set forth procedural rules governing reconsideration and review of actions taken pursuant to authority delegated under section 5(d) of the Communications Act, and reconsideration of actions taken by the Commission. As used in §§ 1.102 through 1.117, the term "designated authority" means any person, panel, or board which has been authorized by rule or order to exercise authority under section 5(d) of the Communications Act.

§ 1.102 Effective dates of actions taken pursuant to delegated authority.

(a) *Final actions following review of an initial decision.* (1) Final decisions of the Review Board, a commissioner, or panel of commissioners following review of an initial decision shall be effective 40 days after public release of the full text of such final decision.

(2) If a petition for reconsideration of such final decision is filed, the effect of the decision is stayed until 40

days after release of the final order disposing of the petition.

(3) If an application for review of such final decision is filed, or if the Commission on its own motion orders the record of the proceeding before it for review, the effect of the decision is stayed until the Commission's review of the proceeding has been completed.

(b) *Non-hearing and interlocutory actions.* (1) Non-hearing or interlocutory actions taken pursuant to delegated authority shall, unless otherwise ordered by the designated authority, be effective upon release of the document containing the full text of such action, or in the event such a document is not released, upon release of a public notice announcing the action in question.

(2) If a petition for reconsideration of a non-hearing action is filed, the designated authority may in its discretion stay the effect of its action pending disposition of the petition for reconsideration. Petitions for reconsideration of interlocutory actions will not be entertained.

(3) If an application for review of a non-hearing or interlocutory action is filed, or if the Commission reviews the action on its own motion, the Commission may in its discretion stay the effect of any such action until its review of the matters at issue has been completed.

§ 1.103 Effective dates of Commission actions; finality of Commission actions.

(a) Unless otherwise specified by law or Commission rule (e.g. §§ 1.102 and 1.427), the effective date of any Commission action shall be the date of public notice of such action as that latter date is defined in § 1.4(b) of these rules: *Provided*, That the Commission may, on its own motion or on motion by any party, designate an effective date that is either earlier or later in time than the date of public notice of such action. The designation of an earlier or later effective date shall have no effect on any pleading periods.

(b) Notwithstanding any determinations made under paragraph (a) of this section, Commission action shall be deemed final, for purposes of seeking reconsideration at the Commission or judicial review, on the date of public notice as defined in § 1.4(b) of these rules.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 18556, Mar. 25, 1981]

§ 1.104 Preserving the right of review; deferred consideration of application for review.

(a) The provisions of this section apply to all final actions taken pursuant to delegated authority, including final decisions of the Review Board following review of an initial decision and final actions taken by members of the Commission's staff on nonhearing matters. They do not apply to interlocutory actions of the Chief Administrative Law Judge in hearing proceedings, or to hearing designation orders issued under delegated authority. See §§ 0.351, 1.106(a) and 1.115(e).

(b) Any person desiring Commission consideration of a final action taken pursuant to delegated authority shall file either a petition for reconsideration or an application for review (but not both) within 30 days from the date of public notice of such action, as that date is defined in § 1.4(b) of these rules. The petition for reconsideration will be acted on by the designated authority or referred by such authority to the Commission: *Provided*, That a petition for reconsideration of an order designating a matter for hearing will in all cases be referred to the Commission. The application for review will in all cases be acted upon by the Commission.

NOTE: In those cases where the Commission does not intend to release a document containing the full text of its action, it will state that fact in the public notice announcing its action.

(c) If in any matter one party files a petition for reconsideration and a second party files an application for review, the Commission will withhold action on the application for review until final action has been taken on the petition for reconsideration.

(d) Any person who has filed a petition for reconsideration may file an application for review within 30 days from the date of public notice of such action, as that date is defined in

§ 1.4(b) of these rules. If a petition for reconsideration has been filed, any person who has filed an application for review may: (1) Withdraw his application for review, or (2) substitute an amended application therefor.

NOTE: In those cases where the Commission does not intend to release a document containing the full text of its action, it will state that fact in the public notice announcing its action.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12415, Nov. 22, 1963, as amended at 41 FR 14871, Apr. 8, 1976; 44 FR 60294, Oct. 19, 1979; 46 FR 18556, Mar. 25, 1981]

§ 1.106 Petitions for reconsideration.

(a)(1) Petitions requesting reconsideration of a final Commission action will be acted on by the Commission. Petitions requesting reconsideration of a final decision of the Review Board will be acted on by the Board or certified to the Commission (see § 0.361 (b) and (c) of this chapter). Petitions requesting reconsideration of other final actions taken pursuant to delegated authority will be acted on by the designated authority or referred by such authority to the Commission. A petition for reconsideration of an order designating a case for hearing will be entertained if, and insofar as, the petition relates to an adverse ruling with respect to petitioner's participation in the proceeding. Petitions for reconsideration of other interlocutory actions will not be entertained. (For provisions governing reconsideration of Commission action in notice and comment rule making proceedings, see § 1.429. This § 1.106 does not govern reconsideration of such actions.)

(2) Within the period allowed for filing a petition for reconsideration, any party to the proceeding may request the presiding officer to certify to the Commission the question as to whether, on policy in effect at the time of designation or adopted since designation, and undisputed facts, a hearing should be held. If the presiding officer finds that there is substantial doubt, on established policy and undisputed facts, that a hearing should be held, he will certify the policy question to the Commission with a statement to that effect. No appeal may be filed from an order denying such a request. See also, §§ 1.229 and 1.251.

(b)(1) Subject to the limitations set forth in paragraph (b)(2) of this section, any party to the proceeding, or any other person whose interests are adversely affected by any action taken by the Commission or by the designated authority, may file a petition requesting reconsideration of the action taken. If the petition is filed by a person who is not a party to the proceeding, it shall state with particularity the manner in which the person's interests are adversely affected by the action taken, and shall show good reason why it was not possible for him to participate in the earlier stages of the proceeding.

(2) Where the Commission has denied an application for review, a petition for reconsideration will be entertained only if one or more of the following circumstances is present:

(i) The petition relies on facts which relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters; or

(ii) The petition relies on facts unknown to petitioner until after his last opportunity to present such matters which could not, through the exercise of ordinary diligence, have been learned prior to such opportunity.

(3) A petition for reconsideration of an order denying an application for review which fails to rely on new facts or changed circumstances may be dismissed by the staff as repetitious.

(c) A petition for reconsideration which relies on facts not previously presented to the Commission or to the designated authority may be granted only under the following circumstances:

(1) The facts fall within one or more of the categories set forth in § 1.106(b)(2); or

(2) The Commission or the designated authority determines that consideration of the facts relied on is required in the public interest.

(d)(1) The petition shall state with particularity the respects in which petitioner believes the action taken by the Commission or the designated authority should be changed. The petition shall state specifically the form or relief sought and, subject to this requirement, may contain alternative requests.

(2) The petition for reconsideration shall also, where appropriate, cite the findings of fact and/or conclusions of law which petitioner believes to be erroneous, and shall state with particularity the respects in which he believes such findings and conclusions should be changed. The petition may request that additional findings of fact and conclusions of law be made.

(e) Where a petition for reconsideration is based upon a claim of electrical interference, under appropriate rules in this chapter, to an existing station or a station for which a construction permit is outstanding, such petition, in addition to meeting the other requirements of this section, must be accompanied by an affidavit of a qualified radio engineer. Such affidavit shall show, either by following the procedures set forth in this chapter for determining interference in the absence of measurements, or by actual measurements made in accordance with the methods prescribed in this chapter, that electrical interference will be caused to the station within its normally protected contour.

(f) The petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of public notice of the final Commission action, as that date is defined in § 1.4(b) of these rules, and shall be served upon parties to the proceeding. The petition for reconsideration shall not exceed 25 double spaced typewritten pages. No supplement or addition to a petition for reconsideration which has not been acted upon by the Commission or by the designated authority, filed after expiration of the 30 day period, will be considered except upon leave granted upon a separate pleading for leave to file, which shall state the grounds therefor.

(g) Oppositions to a petition for reconsideration shall be filed within 10 days after the petition is filed, and shall be served upon petitioner and parties to the proceeding. Oppositions shall not exceed 25 double spaced typewritten pages.

(h) Petitioner may reply to oppo
tions within seven days after the la
day for filing oppositions, and an
such reply shall be served upon parti
to the proceeding. Replies shall n
exceed 10 double spaced typewritte
pages, and shall be limited to matte
raised in the opposition.

(i) Petitions for reconsideration, o
positions, and replies shall conform
the requirements of §§ 1.49, 1.51, an
1.52 and shall be submitted to the Se
retary, Federal Communications Com
mission, Washington, D.C., 20554.

(j) The Commission or designate
authority may grant the petition f
reconsideration in whole or in part
may deny the petition. Its order w
contain a concise statement of the re
sons for the action taken. Where th
petition for reconsideration relates
an instrument of authorization gran
ed without hearing, the Commissio
or designated authority will take suc
action within 90 days after the pet
tion is filed.

(k)(1) If the Commission or the de
ignated authority grants the petitio
for reconsideration in whole or in par
it may, in its decision:

(i) Simultaneously reverse or modif
the order from which reconsideratio
is sought;

(ii) Remand the matter to a burea
or other Commission personnel f
such further proceedings, including r
hearing, as may be appropriate; or

(iii) Order such other proceedings
may be necessary or appropriate.

(2) If the Commission or designate
authority initiates further procee
ings, a ruling on the merits of th
matter will be deferred pending com
pletion of such proceedings. Followin
completion of such further procee
ings, the Commission or designate
authority may affirm, reverse, o
modify its original order, or it may
aside the order and remand the matte
for such further proceedings, inclu
ing rehearing, as may be appropriate

(3) Any order disposing of a petitio
for reconsideration which reverses
modifies the original order is subjec
to the same provisions with respect
reconsideration as the original orde
In no event, however, shall a rulin
which denies a petition for reconside
ation be considered a modification

the original order. A petition for reconsideration of an order which has been previously denied on reconsideration may be dismissed by the staff as repetitious.

NOTE: For purposes of this section, the word "order" refers to that portion of its action wherein the Commission announces its judgment. This should be distinguished from the "memorandum opinion" or other material which often accompany and explain the order.

(l) No evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission or the designated authority believes should have been taken in the original proceeding shall be taken on any rehearing ordered pursuant to the provisions of this section.

(m) The filing of a petition for reconsideration is not a condition precedent to judicial review of any action taken by the Commission or by the designated authority, except where the person seeking such review was not a party to the proceeding resulting in the action, or relies on questions of fact or law upon which the Commission or designated authority has been afforded no opportunity to pass. (See § 1.115(c).) Persons in those categories who meet the requirements of this section may qualify to seek judicial review by filing a petition for reconsideration.

(n) Without special order of the Commission, the filing of a petition for reconsideration shall not excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof. However, upon good cause shown, the Commission will stay the effectiveness of its order or requirement pending a decision on the petition for reconsideration. (This paragraph applies only to actions of the Commission en banc. For provisions applicable to actions under delegated authority, see § 1.102.)

(Secs. 4, 303, 307, 405, 48 Stat., as amended, 1066, 1082, 1083, 1095; 47 U.S.C. 154, 303, 307, 405)

[28 FR 12415, Nov. 22, 1963, as amended at 37 FR 7507, Apr. 15, 1972; 41 FR 1287, Jan. 7, 1976; 44 FR 60294, Oct. 19, 1979; 46 FR 18556, Mar. 25, 1981]

§ 1.108 Reconsideration on Commission's own motion.

The Commission may, on its own motion, set aside any action made or taken by it within 30 days from the date of public notice of such action, as that date is defined in § 1.4(b) of these rules.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12415, Nov. 22, 1963, as amended at 46 FR 18556, Mar. 25, 1981]

§ 1.110 Partial grants; rejection and designation for hearing.

Where the Commission without a hearing grants any application in part, or with any privileges, terms, or conditions other than those requested, or subject to any interference that may result to a station if designated application or applications are subsequently granted, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 1.113 Action modified or set aside by person, panel, or board.

(a) Within 30 days after public notice has been given of any action taken pursuant to delegated authority, the person, panel, or board taking the action may modify or set it aside on its own motion.

(b) Within 60 days after notice of any sanction imposed under delegated authority has been served on the person affected, the person, panel, or board which imposed the sanction may modify or set it aside on its own motion.

(c) Petitions for reconsideration and applications for review shall be directed to the actions as thus modified, and the time for filing such pleadings shall be computed from the date upon which public notice of the modified action is given or notice of the modified sanction is served on the person affected.

§ 1.115 Application for review of action taken pursuant to delegated authority.

(a) Any person aggrieved by any action taken pursuant to delegated authority may file an application requesting review of that action by the Commission. Any person filing an application for review who has not previously participated in the proceeding shall include with his application a statement describing with particularity the manner in which he is aggrieved by the action taken and showing good reason why it was not possible for him to participate in the earlier stages of the proceeding. Any application for review which fails to make an adequate showing in this respect will be dismissed.

(b)(1) The application for review shall concisely and plainly state the questions presented for review with reference, where appropriate, to the findings of fact or conclusions of law.

(2) Except as provided in paragraph (b)(5) of this section, the application for review shall specify with particularity, from among the following, the factor(s) which warrant Commission consideration of the questions presented:

(i) The action taken pursuant to delegated authority is in conflict with statute, regulation, case precedent, or established Commission policy.

(ii) The action involves a question of law or policy which has not previously been resolved by the Commission.

(iii) The action involves application of a precedent or policy which should be overturned or revised.

(iv) An erroneous finding as to an important or material question of fact.

(v) Prejudicial procedural error.

(3) The application for review shall state with particularity the respects in which the action taken by the designated authority should be changed.

(4) The application for review shall state the form of relief sought and, subject to this requirement, may contain alternative requests.

(5) The application for review of a final decision of the Review Board shall specify with particularity, from among the following, the factor(s) which warrant Commission consideration of the questions presented: (i) The Board's findings are not supported by substantial evidence in the record as a whole; (ii) the Board's decision involves prejudicial errors of substantive or procedure law; (iii) the Board's decision is arbitrary or capricious; (iv) the Board's decision conflicts with Commission policy; or (v) the Board's decision raises a novel or important issue of law or policy which warrants Commission review.

(c) No application for review will be granted if it relies on questions of fact or law upon which the designated authority has been afforded no opportunity to pass.

NOTE: Subject to the requirements of § 1.106, new questions of fact or law may be presented to the designated authority in a petition for reconsideration.

(d) Except as provided in paragraph (e) of this section, the application for review and any supplement thereto shall be filed within 30 days from the date of public notice of such action, as that date is defined in § 1.4(b) of these rules. Oppositions to the application shall be filed within 15 days after the application for review is filed. When permitted, replies to oppositions shall be filed within 10 days after the opposition is filed and shall be limited to matters raised in the opposition. Replies to oppositions to applications for review of final decisions of the Review Board may be filed only if the Commission requests a reply; except as provided in § 1.115(e)(3), replies to oppositions to all other applications for review are permissible.

(e)(1) Applications for review of interlocutory rulings made by the Chief Administrative Law Judge (see § 0.351) shall be deferred until the time when exceptions are filed unless the Chief Judge certifies the matter to the Commission for review. A matter shall be certified to the Commission only if the

Chief Judge determines that it presents a new or novel question of law or policy and that the ruling is such that error would be likely to require remand should the appeal be deferred and raised as an exception. The request to certify the matter to the Commission shall be filed within 5 days after the ruling is made. The applicaton for review shall be filed within 5 days after the order certifying the matter to the Commission is released or such ruling is made. Oppositions shall be filed within 5 days after the application is filed. Replies to oppositions shall be filed only if they are requested by the Commission. Replies (if allowed) shall be filed within 5 days after they are requested. A ruling certifying or not certifying a matter to the Commission is final: *Provided, however,* That the Commission may, on its own motion, dismiss the application for review on the ground that objections to the ruling should be deferred and raised as an exception. Applications for review of interlocutory rulings made by the Review Board (*See* § 0.365 of this chapter, 1.301) of this part shall be filed only as part of the application for review of the Board's final decision, except that applications for review of rulings by the Board pursuant to § 1.301(a) of this part may be filed separately after such ruling by the Board.

(2) The failure to file an application for review of an interlocutory ruling made by the Chief Administrative Law Judge or the denial of such application by the Commission, shall not preclude any party entitled to file exceptions to the initial decision from requesting review of the ruling at the time when exceptions are filed. Such requests will be considered in the same manner as exceptions are considered.

(3) Applications for review of a hearing designation order issued under delegated authority shall be deferred until applications for review of the final Review Board Decision in the case are filed, unless the presiding Administrative Law Judge certifies such an application for review to the Commission. A matter shall be certified to the Commission only if the presiding Administrative Law Judge determines that the matter involves a controlling question of law as to which there is substantial ground for difference of opinion and that immediate consideration of the question would materially expedite the ultimate resolution of the litigation. A ruling refusing to certify a matter to the Commission is not appealable. In addition, the Commission may dismiss, without stating reasons, an application for review that has been certified, and direct that the objections to the hearing designation order be deferred and raised when applications for review of the final Review Board Decision are filed. A request to certify a matter to the Commission shall be filed with the presiding Administrative Law Judge within 5 days after the designation order is released. Any application for review authorized by the Administrative Law Judge shall be filed within 5 days after the order certifying the matter to the Commission is released or such a ruling is made. Oppositions shall be filed within 5 days after the application for review is filed. Replies to oppositions shall be filed only if they are requested by the Commission. Replies (if allowed) shall be filed within 5 days after they are requested.

(f)(1) Applications for review, oppositions, and replies shall conform to the requirements of §§ 1.49, 1.51, and 1.52, and shall be submitted to the Secretary, Federal Communications Commission, Washington, DC 20554. Except as provided below, applications for review and oppositions thereto shall not exceed 25 double-spaced typewritten pages. Applications for review of final decisions of the Review Board and oppositions thereto shall not exceed 10 double-spaced typewritten pages. Applications for review of interlocutory actions in hearing proceedings (including designation orders) and oppositions thereto shall not exceed 5 double-spaced typewritten pages. When permitted (see § 1.115(d)), reply pleadings shall not exceed 5 double-spaced typewritten pages. The application for review shall be served upon the parties to the proceeding. Oppositions to the application for review shall be served on the person seeking review and on parties to the proceeding. When permitted (see § 1.115(d)), replies to the opposition(s) to the application for review shall be served on the person(s) opposing the application for review and on parties to the proceeding.

(2) If the Commission grants review of a Review Board final decision and requests that briefs be filed, the parties may file briefs and reply briefs, which shall not exceed 25 double-spaced typewritten pages. Briefs shall be filed within 30 days after release of the order granting review. Reply briefs shall be filed within 10 days after the last day for filing briefs.

(g) The Commission may grant the application for review in whole or in part, or it may deny the application with or without specifying reasons therefor. A petition requesting reconsideration of a ruling which denies an application for review will be entertained only if one or more of the following circumstances is present:

(1) The petition relies on facts which related to events which have occurred or circumstances which have changed since the last opportunity to present such matters; or

(2) The petition relies on facts unknown to petitioner until after his last opportunity to present such matters which could not, through the exercise of ordinary diligence, have been learned prior to such opportunity.

(h)(1) If the Commission grants the application for review in whole or in part, it may, in its decision:

(i) Simultaneously reverse or modify the order from which review is sought;

(ii) Remand the matter to the designated authority for reconsideration in accordance with its instructions, and, if an evidentiary hearing has been held, the remand may be to the person(s) who conducted the hearing; or

(iii) Order such other proceedings, including briefs and oral argument, as may be necessary or appropriate.

(2) In the event the Commission orders further proceedings, it may stay the effect of the order from which review is sought. (See § 1.102.) Following the completion of such further proceedings the Commission may affirm, reverse or modify the order from which review is sought, or it may set aside the order and remand the matter to the designated authority for reconsideration in accordance with its instructions. If an evidentiary hearing has been held, the Commission may remand the matter to the person(s) who conducted the hearing for rehearing on such issues and in accordance with such instructions as may be appropriate.

NOTE: For purposes of this section, the word "order" refers to that portion of its action wherein the Commission announces its judgment. This should be distinguished from the "memorandum opinion" or other material which often accompany and explain the order.

(i) An order of the Commission which reverses or modifies the action taken pursuant to delegated authority is subject to the same provisions with respect to reconsideration as an original order of the Commission. In no event, however, shall a ruling which denies an application for review be considered a modification of the action taken pursuant to delegated authority.

(j) No evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission believes should have been taken in the original proceeding shall be taken on any rehearing ordered pursuant to the provisions of this section.

(k) The filing of an application fo review shall be a condition preceden to judicial review of any action take pursuant to delegated authority.

(Secs. 4, 303, 307, 48 Stat., as amended, 10 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12415, Nov. 22, 1963, as amended 41 FR 14871, Apr. 8, 1976; 44 FR 60295, Oc 19, 1979; 46 FR 18556, Mar. 25, 1981; 48 F 12719, Mar. 28, 1983; 50 FR 39000, Sept. 2 1985; 54 FR 40392, Oct. 2, 1989; 55 FR 366 Sept. 6, 1990]

§ 1.117 Review on motion of the Comm sion.

(a) Within 40 days after publ notice is given of any action taken pu suant to delegated authority, the Com mission may on its own motion ord the record of the proceeding before for review.

(b) If the Commission reviews th proceeding on its own motion, it ma order such further procedure as may be useful to it in its review of the action taken pursuant to delegated authority.

(c) With or without such further procedure, the Commission may either affirm, reverse, modify, or set aside the action taken, or remand the proceeding to the designated authority for reconsideration in accordance with its instructions. If an evidentiary hearing has been held, the Commission may remand the proceeding to the person(s) who conducted the hearing for rehearing on such issues and in accordance with such instructions as may be appropriate. An order of the Commission which reverses or modifies the action taken pursuant to delegated authority, or remands the matter for further proceedings, is subject to the same provisions with respect to reconsideration as an original action of the Commission.

§ 1.120 Protests of grants without hearing.

(a) The provisions of this section shall not be applicable to any application: (1) Filed on or after December 12, 1960; (2) filed before December 12, 1960, but substantially amended (as defined in the applicable provisions of this chapter) on or after that date; or (3) filed before December 12, 1960, and not thereafter substantially amended, but with respect to which the rules in this chapter provide an opportunity for petitions to deny to be filed under section 309 of the Communications Act, as amended. See §§ 1.580 and 1.962.

(b) Where any instrument of authorization for a radio station, other than a license pursuant to a construction permit, has been granted without a hearing, any party in interest may file a protest directed to such grant and request a hearing on the application granted. Such protest shall be signed by the protestant and subscribed to under oath. Such protest must be filed with the Commission within 30 days after release of the document containing the full text of such action, or in case such a document is not released, after release of a "Public Notice" announcing the action in question and must separately set forth:

(1) Such allegations of fact as will show the protestant to be a party in interest, i.e., a person aggrieved or whose interests are adversely affected by the Commission's authorization, protest of which is sought. Each such allegation of fact shall be separately stated.

(2) Facts indicating the reasons why the grant was improperly made or would otherwise not be in the public interest. Each such reason shall be separately stated, and facts in support thereof shall be specified in detail and shall not include general non-specific conclusory arguments and allegations.

(3) The specific issues upon which protestant wishes a hearing to be held, which issues must relate directly to a matter specified with particularity as part of paragraph (b)(2) of this section.

(c) Arguments and citations of authority may be set forth in a brief accompanying the protest but must be excluded from the protest itself.

(d) Oppositions to protests and briefs in support thereof shall contain all material, including that pertinent to the determination referred to in paragraph (i) of this section, deemed appropriate to the Commission's resolution of the protest. Such oppositions and supporting briefs must be filed within 10 days after the filing of such protest, and any replies to such oppositions must be filed within 5 days after the filing of the oppositions.

(e) Protests, oppositions, and replies shall be filed with the Commission in original and 14 copies and shall be accompanied by proof of service upon the grantee or the protestant, as the case may be, and/or their respective attorneys.

(f) The Commission may upon consideration of a protest direct either the protestant or grantee or both to submit further statements of fact under oath relating to the matters raised in the protest.

(g) Within 30 days from the date of the filing of the protest, the Commission will enter findings as to whether such protest meets the requirements set forth in paragraphs (b) (1) and (2) of this section. If the Commission finds that one of these requirements is not met, it will dismiss the protest. If the Commission finds that these requirements are met, it will designate the application in question for hearing. As to issues which the Commission believes present no grounds for setting aside the grant, even if the facts alleged were to be proven, the Commission may designate such issues for oral argument only. The other issues will be designated for evidentiary hearing except that the Commission may redraft the issues in accordance with the facts or substantive matters alleged in the protest and may also specify such additional issues as it deems desirable. In any evidentiary hearing subsequently held upon issues specified by the Commission, upon its own initiative or adopted by it, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the grantee. With respect to issues resulting from facts set forth in the protest and not adopted or specified by the Commission on its own motion, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant.

(h) The procedure in such protest hearing shall be governed by the provisions of Subpart B of this part, except as otherwise provided in this section.

(i) Pending hearing and decision, the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service or unless the Commission affirmatively finds that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

(Sec. 7, 66 Stat. 715, as amended. See, in particular, sec. 4 (a) and (d), 74 Stat. 889, 892; 47 U.S.C. 309)

[28 FR 12415, Nov. 22, 1963, as amended at 28 FR 14503, Dec. 31, 1963]

Subpart B—Hearing Proceedings

Source: 28 FR 12425, Nov. 22, 1963, unles otherwise noted.

Editorial Note: Nomenclature changes to Subpart B appear at 37 FR 19372, Sept. 20, 1972.

General

§ 1.201 Scope.

This subpart shall be applicable to the following cases which have been designated for hearing:

(a) Adjudication (as defined by the Administrative Procedure Act); and

(b) Rule making proceedings which are required by law to be made on the record after opportunity for a Commission hearing.

Note: For special provisions relating t AM broadcast station applications involvin other North American countries § 73.3570.

[28 FR 12425, Nov. 22, 1963, as amended 51 FR 32088, Sept. 9, 1986]

§ 1.202 Official reporter; transcript.

The Commission will designate fro time to time an official reporter fo the recording and transcribing hearing proceedings. The transcript the testimony taken, or argument ha at any hearing will not be furnishe by the Commission, but will be open inspection under § 0.453(a)(1) of th chapter. Copies of such transcript, desired, may be obtained from the ficial reporter upon payment of t charges therefor.

(5 U.S.C. 556)

[32 FR 20861, Dec. 28, 1967]

§ 1.203 The record.

The transcript of testimony and hibits, together with all papers and quests filed in the proceeding, sh constitute the exclusive record for cision. Where any decision rests on ficial notice of a material fact not pearing in the record, any party sh on timely request be afforded an portunity to show the contrary.

(5 U.S.C. 556)

§ 1.204 Pleadings; definition.

As used in this subpart, the term "pleading" means any written notice, motion, petition, request, opposition, reply, brief, proposed findings, exceptions, memorandum of law, or other paper filed with the Commission in a hearing proceeding. It does not include exhibits or documents offered in evidence. See § 1.356.

[29 FR 8219, June 30, 1964]

§ 1.205 Continuances and extensions.

Continuances of any proceeding or hearing and extensions of time for making any filing or performing any act required or allowed to be done within a specified time may be granted by the Commission or the presiding officer upon motion for good cause shown, unless the time for performance or filing is limited by statute.

§ 1.207 Interlocutory matters, reconsideration and review; cross references.

(a) Rules governing interlocutory pleadings in hearing proceedings are set forth in §§ 1.291 through 1.298.

(b) Rules governing appeal from rulings made by the presiding officer are set forth as §§ 1.301 and 1.302.

(c) Rules governing the reconsideration and review of actions taken pursuant to delegated authority, and the reconsideration of actions taken by the Commission, are set forth in §§ 1.101 through 1.120.

[28 FR 12425, Nov. 22, 1963, as amended at 29 FR 6443, May 16, 1964; 36 FR 19439, Oct. 6, 1971]

§ 1.209 Identification of responsible officer in caption to pleading.

Each pleading filed in a hearing proceeding shall indicate in its caption whether it is to be acted upon by the Commission, the Review Board, the Chief Administrative Law Judge, or the presiding officer. If it is to be acted upon by the presiding officer, he shall be identified by name.

[29 FR 8219, June 30, 1964, as amended at 37 FR 19372, Sept. 20, 1972]

§ 1.211 Service.

Except as otherwise expressly provided in this chapter, all pleadings filed in a hearing proceeding shall be served upon all other counsel in the proceeding or, if a party is not represented by counsel, then upon such party. All such papers shall be accompanied by proof of service. For provisions governing the manner of service, see § 1.47.

[29 FR 8219, June 30, 1964]

PARTICIPANTS AND ISSUES

§ 1.221 Notice of hearing; appearances.

(a) Upon designation of an application for hearing, the Commission issues an order containing the following:

(1) A statement as to the reasons for the Commission's action.

(2) A statement as to the matters of fact and law involved, and the issues upon which the application will be heard.

(3) A statement as to the time, place, and nature of the hearing. (If the time and place are not specified, the order will indicate that the time and place will be specified at a later date.)

(4) A statement as to the legal authority and jurisdiction under which the hearing is to be held.

(b) The order designating an application for hearing is mailed to the applicant by the Secretary of the Commission and this order or a summary thereof is published in the FEDERAL REGISTER. Reasonable notice of hearing will be given to the parties in all proceedings; and, whenever possible, the Commission will give at least 60 days notice of comparative hearings.

(c) In order to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall, within 20 days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission, in triplicate, a written appearance stating that he will appear on the date fixed for hearing and present evidence on the issues specified in the order. Where an applicant fails to file such a written appearance within the time specified, or has not filed prior to the expiration of that time a petition to dismiss without prejudice, or a petition to accept, for good cause shown, such written appearance beyond expiration of said 20 days, the application will be dismissed with prejudice for failure to prosecute.

(d) The Commission will on its own motion name as parties to the hearing any person found to be a party in interest.

(e) In order to avail himself of the opportunity to be heard, any person named as a party pursuant to paragraph (d) of this section shall, within 20 days of the mailing of the notice of his designation as a party, file with the Commission, in person or by attorney, a written appearance in triplicate, stating that he will appear at the hearing. Any person so named who fails to file this written statement within the time specified, shall, unless good cause for such failure is shown, forfeit his hearing rights.

(f) A fee must accompany each written appearance filed with the Commission in certain cases designated for hearing. *See* subpart G, part 1 for the amount due. The fee is required for each applicant designated for hearing in the private radio services in a comparative new or modification proceeding; for each applicant designated for hearing in a common carrier service in comparative new, major/minor change or renewal proceeding; or for each applicant designated for hearing in a case involving the comparative review of applicants for a new commercial television, radio, or Direct Broadcasting Satellite construction permit, a major/minor change construction permit for a previously authorized commercial facility or comparative renewal license proceeding for these facilities. The fee must accompany each written appearance at the time of its filing and must be in conformance with the requirements of subpart G of the rules.

(g) A written appearance that does not contain the proper fee, or is not accompanied by a deferral request as per § 1.1115 of the rules, shall be dismissed and returned to the applicant by the fee processing staff. The presiding judge will be notified of this action and may dismiss the applicant with prejudice for failure to prosecute if the written appearance is not resubmitted with the correct fee within the original 20 day filing period.

NOTE: If the parties file a settlement agreement prior to filing the Notice of Appearance or simultaneously with it, the hearing fee need not accompany the Notice of Appearance. In filing the Notice of Appearance, the applicant should clearly indicate that a settlement agreement has been filed. (The fact that there are ongoing negotiations that may lead to a settlement does not affect the requirement to pay the fee.) If a settlement agreement is not effectuated, the Presiding Judge will require immediate payment of the fee.

(5 U.S.C. 554. Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309)

[28 12424, Nov. 22, 1963, as amended at 51 FR 19347, May 29, 1986; 52 FR 5288, Feb. 20, 1987; 55 FR 19154, May 8, 1990]

§ 1.223 Petitions to intervene.

(a) Where, in cases involving applications for construction permits and station licenses, or modifications or renewals thereof, the Commission has failed to notify and name as a party to the hearing any person who qualifies as a party in interest, such person may acquire the status of a party by filing, under oath and not more than 30 days after the publication in the FEDERAL REGISTER of the hearing issues or any substantial amendment thereto, a petition for intervention showing the basis of its interest. Where such person's interest is based upon a claim that a grant of the application would cause objectionable interference under applicable provisions of this chapter to such person as a licensee or permittee of an existing or authorized station, the petition to intervene must be accompanied by an affidavit of a qualified radio engineer which shall show, either by following the procedures prescribed in this chapter for determining interference in the absence of measurements or by actual measurements made in accordance with the methods prescribed in this chapter, the extent of such interference. Where the person's status as a party in interest is established, the petition to intervene will be granted.

(b) Any other person desiring to participate as a party in any hearing may file a petition for leave to intervene not later than 30 days after the publication in the FEDERAL REGISTER of the full text or a summary of the order designating an application for hearing or any substantial amendment thereto. The petition must set forth the interest of petitioner in the proceedings, must show how such petitioner's participation will assist the Commission in the determination of the issues in question, must set forth any proposed issues in addition to those already designated for hearing, and must be accompanied by the affidavit of a person with knowledge as to the facts set forth in the petition. The presiding officer, in his discretion, may grant or deny such petition or may permit intervention by such persons limited to a particular stage of the proceeding.

(c) Any person desiring to file a petition for leave to intervene later than 30 days after the publication in the FEDERAL REGISTER of the full text or a summary of the order designating an application for hearing or any substantial amendment thereto shall set forth the interest of petitioner in the proceeding, show how such petitioner's participation will assist the Commission in the determination of the issues in question, must set forth any proposed issues in addition to those already designated for hearing, and must set forth reasons why it was not possible to file a petition within the time prescribed by paragraphs (a) and (b) of this section. Such petition shall be accompanied by the affidavit of a person with knowledge of the facts set forth in the petition, and where petitioner claims that a grant of the application would cause objectionable interference under applicable provisions of this chapter, the petition to intervene must be accompanied by the affidavit of a qualified radio engineer showing the extent of such alleged interference according to the methods prescribed in paragraph (a) of this section. If, in the opinion of the presiding officer, good cause is shown for the delay in filing, he may in his discretion grant such petition or may permit intervention limited to particular issues or to a particular stage of the proceeding.

(Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309)

[28 FR 12425, Nov. 22, 1963, as amended at 29 FR 7821, June 19, 1964; 41 FR 14872, Apr. 8, 1976; 51 FR 19347, May 29, 1986]

§ 1.224 Motion to proceed in forma pauperis.

(a) A motion to proceed in forma pauperis may be filed by an individual, a corporation, and unincorporated entity, an association or other similar group, if the moving party is either of the following:

(1) A respondent in a revocation proceeding, or a renewal applicant, who cannot carry on his livelihood without the radio license at stake in the proceeding; or

(2) An intervenor in a hearing proceeding who is in a position to introduce testimony which is of probable decisional significance, on a matter of substantial public interest importance, which cannot, or apparently will not, be introduced by other parties to the proceeding, and who is not seeking personal financial gain.

(b) In the case of a licensee, the motion to proceed in forma pauperis shall contain specific allegations of fact sufficient to show that the moving party is eligible under paragraph (a) of this section and that he cannot, because of his poverty, pay the expenses of litigation and still be able to provide himself and his dependents with the necessities of life. Such allegations of fact shall be supported by affidavit of a person or persons with personal knowledge thereof. The information submitted shall detail the income and assets of the individual and his financial obligations and responsibilities, and shall contain an estimate of the cost of participation in the proceeding. Personal financial information may be submitted to the presiding officer in confidence.

(c)(1) In the case of an individual intervenor, the motion to proceed in forma pauperis shall contain specific allegations of fact sufficient to show that he is eligible under paragraph (a) of this section and that he has dedicated financial resources to sustain his participation which are reasonable in light of his personal resources and other demands upon them but are inadequate for effective participation in the proceeding. Such allegations of fact shall be supported by affidavit of a person or persons with personal knowledge thereof. The information submitted shall detail the income and assets of the individual and his immediate family and his financial obligations and responsibilities, and shall contain an estimate of the cost of participation. Personal financial information may be submitted to the presiding officer in confidence.

(2) In the case of an intervening group, the motion to proceed in forma pauperis shall contain specific allegations of fact sufficient to show that the moving party is eligible under paragraph (a) of this section and that it cannot pay the expenses of litigation and still be able to carry out the activities and purposes for which it was organized. Such allegations of fact shall be supported by affidavit of the President and Treasurer of the group, and/or by other persons having personal knowledge thereof. The information submitted shall include a copy of the corporate charter or other documents that describe the activities and purposes of the organization; a current balance sheet and profit and loss statement; facts showing, under all the circumstances, that it would not be reasonable to expect added resources of individuals composing the group to be pooled to meet the expenses of participating in the proceeding; and an estimate of the cost of participation. Personal financial information pertaining to members of the group may be submitted to the presiding officer in confidence.

(d) If the motion is granted, the presiding officer may direct that a free copy of the transcript of testimony be made available to the moving party and may relax the rules of procedure in any manner which will ease his financial burden, is fair to other parties to the proceeding, and does not involve the payment of appropriated funds to a party.

[41 FR 53021, Dec. 3, 1976]

§ 1.225 Participation by non-parties; consideration of communications.

(a) Any person who wishes to appear and give evidence on any matter and who so advises the Secretary, will be notified by the Secretary if that matter is designated for hearing. In the case of requests bearing more than one signature, notice of hearing will be given to the person first signing unless the request indicates that such notice should be sent to someone other than such person.

(b) No person shall be precluded from giving any relevant, material, and competent testimony at a hearing because he lacks a sufficient interest to justify his intervention as a party in the matter.

(c) When a hearing is held, no communication will be considered in determining the merits of any matter unless it has been received into evidence. The admissibility of any communication shall be governed by the applicable rules of evidence, and no communication shall be admissible on the basis of a stipulation unless Commission counsel as well as counsel for all of the parties shall join in such stipulation.

§ 1.227 Consolidations.

(a) The Commission, upon motion or upon its own motion, will, where such action will best conduce to the proper dispatch of business and to the ends of justice, consolidate for hearing:

(1) Any cases which involve the same applicant or involve substantially the same issues, or

(2) Any applications which present conflicting claims, except where a random selection process is used.

(b)(1) In broadcast cases, except as provided in paragraph (b)(5) of this section, and except as otherwise provided in § 1.1601, *et seq.*, no application will be consolidated for hearing with a previously filed application or applications unless such application, or such application as amended, if amended so as to require a new file number, is substantially complete and tendered for filing by the close of business on the day preceding the day designated by Public Notice as the day any one of the previously filed applications is available and ready for processing.

(2) In other than broadcast, common carrier, and safety and special radio services cases, any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the later

application in question has been filed within 5 days after public notice has been given in the Federal Register of the Commission's order which first designated for hearing the prior application or applications with which such application is in conflict.

(3) Common carrier cases: (i) *General rule.* Where an application is mutually exclusive with a previously filed application, the second application will be entitled to comparative consideration with the first or entitled to be included in a random selection process, only if the second has been properly filed at least one day before the Commission takes action on the first application. Specifically, the later filed application must have been received by the Commission, in a condition acceptable for filing, before the close of business on the day prior to the grant date or designation date of the earlier filed application.

(ii) *Domestic public fixed and public mobile.* See Rule §§ 21.31 and 22.31 for the requirements as to mutually exclusive applications. See also Rule §§ 21.23 and 22.23 for the requirements as to amendments of applications.

(iii) *Public coast stations (Maritime mobile service).* See paragraph (b)(4) of this section.

(4) This paragraph applies when mutually exclusive applications subject to section 309(b) of the Communications Act are filed in the Private Radio Services or when there are more such applications for initial licenses than can be accommodated on available frequencies. In such cases, the applications either will be consolidated for hearing or designated for random selection (See § 1.972). An application which is substantially amended, (as defined by § 1.962(c)), will, for the purpose of this section, be considered to be a newly filed application as of the receipt date of the amendment. Except for applications filed under part 94, Private Operational Fixed Microwave Service, mutual exclusivity will occur if the later application or applications are received by the Commission's offices in Gettysburg, PA (or Pittsburgh, PA for applications requiring the fees set forth at part 1, subpart G, of the rules) in a condition acceptable for filing within 30 days after the release date of public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing or within such other period as specified by the Commission. For applications in the Private Operational Fixed Microwave Service, except for applications filed for frequencies identified in § 94.65(f) of this chapter, mutual exclusivity will occur if two or more acceptable applications that are in conflict are filed on the same day. For applications filed for frequencies identified in § 94.65(f) of this chapter, mutual exclusivity will occur if the later application(s) are received by the Commission's offices in a condition acceptable for filing within 30 days after the release date of public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing or within such other period as specified by the Commission.

(5) Any mutually exclusive application filed after the date prescribed in paragraph (b)(1), (b)(2), (b)(3), or (b)(4) of this section will be dismissed without prejudice and will be eligible for refiling only after a final decision is rendered by the Commission with respect to the prior application or applications or after such application or applications are dismissed or removed from the hearing docket.

(6) An application which is mutually exclusive with an application for renewal of license of a broadcast station will be designated for comparative hearing with such license renewal application if it is substantially complete and tendered for filing no later than the date prescribed in § 1.516(e).

[28 FR 12425, Nov. 22, 1963, as amended at 34 FR 7966, May 21, 1969; 37 FR 13983, July 15, 1972; 38 FR 26202, Sept. 19, 1973; 48 FR 27200, June 13, 1983; 48 FR 34039, July 27, 1983; 52 FR 10229, Mar. 31, 1987; 55 FR 9728, Mar. 15, 1990]

§ 1.229 Motions to enlarge, change, or delete issues.

(a) A motion to enlarge, change or delete the issues may be filed by any party to a hearing.

(b) Such motions must be filed within 15 days after the full text or a summary of the order designating an application for hearing has been published in the FEDERAL REGISTER. In comparative broadcast proceedings (including comparative renewal proceedings), however, such motions shall be filed within 30 days after the full text or a summary of the designation order has been published in the FEDERAL REGISTER. Any person desiring to file a motion to modify the issues after expiration of the above specified periods shall set forth the reason why it was not possible to file the motion within the prescribed period. Except as provided in paragraph (c) of this section, the motion will be granted only if good cause is shown for the delay in filing. Motions for modification of issues which are based on new facts or newly discovered facts shall be filed within 15 days after such facts are discovered by the moving party.

(c) In the absence of good cause for late filing of a motion to modify the issues, the motion to enlarge will be considered fully on its merits if (and only if) initial examination of the motion demonstrates that it raises a question of probable decisional significance and such substantial public interest importance as to warrant consideration in spite of its untimely filing.

(d) Such motions, opposition thereto, and replies to oppositions shall contain specific allegations of fact sufficient to support the action requested. Such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavits of a person or persons having personal knowledge thereof. The failure to file an opposition or a reply will not necessarily be construed as an admission of any fact or argument contained in a pleading.

[41 FR 14872, Apr. 8, 1976, as amended at 44 FR 34947, June 18, 1979; 51 FR 19347, May 29, 1986]

PRESIDING OFFICER

§ 1.241 Designation of presiding officer.

(a) Hearings will be conducted by the Commission, by one or more commissioners, or by a law judge designated pursuant to section 11 of the Administrative Procedure Act. If a presiding officer becomes unavailable to the Commission prior to the taking of testimony another presiding officer will be designated.

(b) Unless the Commission determines that due and timely execution of its functions requires otherwise, presiding officers shall be designated, and notice thereof released to the public, at least 10 days prior to the date set for hearing.

(5 U.S.C. 556)

§ 1.243 Authority of presiding officer.

From the time he is designated to preside until issuance of his decision or the transfer of the proceeding to the Commission or to another presiding officer the presiding officer shall have such authority as is vested in him by law and by the provisions of this chapter, including authority to:

(a) Administer oaths and affirmations;

(b) Issue subpenas;

(c) Examine witnesses;

(d) Rule upon questions of evidence;

(e) Take or cause depositions to be taken;

(f) Regulate the course of the hearing, maintain decorum, and exclud from the hearing any person engagin in contemptuous conduct or otherwis disrupting the proceedings;

(g) Require the filing of memorand of law and the presentation of oral argument with respect to any questio of law upon which he is required t rule during the course of the hearin

(h) Hold conferences for the settlement or simplification of the issues b consent of the parties;

(i) Dispose of procedural requests c similar matters, as provided for i § 0.341 of this chapter;

(j) Take actions and make decisio in conformity with the Administrati Procedure Act;

(k) Act on motions to enlarg modify or delete the hearing issue and

(l) Act on motions to proceed forma pauperis pursuant to § 1.224.

(5 U.S.C. 556)

[28 FR 12425, Nov. 22, 1963, as amended 41 FR 53022, Dec. 3, 1976]

§ 1.245 Disqualification of presiding officer.

(a) In the event that a presiding officer deems himself disqualified and desires to withdraw from the case, he shall notify the Commission of his withdrawal at least 7 days prior to the date set for hearing.

(b) Any party may request the presiding officer to withdraw on the grounds of personal bias or other disqualification.

(1) The person seeking disqualification shall file with the presiding officer an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification. Such affidavit shall be filed not later than 5 days before the commencement of the hearing unless, for good cause shown, additional time is necessary.

(2) The presiding officer may file a response to the affidavit; and if he believes himself not disqualified, shall so rule and proceed with the hearing.

(3) The person seeking disqualification may appeal a ruling of disqualification, and, in that event, shall do so at the time the ruling is made. Unless an appeal of the ruling is filed at this time, the right to request withdrawal of the presiding officer shall be deemed waived.

(4) If an appeal of the ruling is filed, the presiding officer shall certify the question, together with the affidavit and any response filed in connection therewith, to the Review Board. The hearing shall be suspended pending a ruling on the question by the Board.

(5) The Board may rule on the question without hearing, or it may require testimony or argument on the issues raised.

(6) The affidavit, response, testimony or argument thereon, and the Board's decision shall be part of the record in the case.

(5 U.S.C. 556)

[28 FR 12425, Nov. 22, 1963, as amended at 55 FR 36641, Sept. 6, 1990]

PREHEARING PROCEDURES

§ 1.246 Admission of facts and genuineness of documents.

(a) Within 20 days after the time for filing a notice of appearance has expired; or within 20 days after the release of an order adding parties to the proceeding (see §§ 1.223 and 1.227) or changing the issues (see § 1.229); or within such shorter or longer time as the presiding officer may allow on motion or notice, a party may serve upon any other party a written request for the admission by the latter of the genuineness of any relevant documents identified in and exhibited by a clear copy with the request or of the truth of any relevant matters of fact set forth in the request.

(b) Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, not less than 10 days after service thereof, or within such shorter or longer time as the presiding officer may allow on motion or notice, the party to whom the request is directed serves upon the party requesting the admission either: (1) A sworn statement denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those matters, or (2) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder.

(c) A copy of the request and of any answer shall be served by the party filing on all other parties to the proceeding and upon the presiding officer.

(d) Written objections to the requested admissions may be ruled upon by the presiding officer without additional pleadings.

[33 FR 463, Jan. 12, 1968, as amended at 35 FR 17333, Nov. 11, 1970]

§ 1.248 Prehearing conferences; hearing conferences.

(a) The Commission, on its own initiative or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to a hearing, or to submit suggestions in writing, for the purpose of considering, among other things, the matters set forth in paragraph (c) of this section. The initial prehearing conference shall be scheduled 30 days after the effective date of the order designating a case for hearing, unless good cause is shown for scheduling such conference at a later date.

(b)(1) The presiding officer (or the Commission or a panel of commissioners in a case over which it presides), on his own initiative or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to or during the course of a hearing, or to submit suggestions in writing, for the purpose of considering any of the matters set forth in paragraph (c) of this section. The initial prehearing conference shall be scheduled 30 days after the effective date of the order designating a case for hearing, unless good cause is shown for scheduling such conference at a later date.

(2) Except as circumstances otherwise require, the presiding officer shall allow a reasonable period prior to commencement of the hearing for the orderly completion of all prehearing procedures, including discovery, and for the submission and disposition of all prehearing motions. Where the circumstances so warrant, the presiding officer shall, promptly after the hearing is ordered, call a preliminary prehearing conference, to inquire into the use of available procedures contemplated by the parties and the time required for their completion, to formulate a schedule for their completion, and to set a date for commencement of the hearing.

(c) In conferences held, or in suggestions submitted, pursuant to paragraphs (a) and (b) of this section, the following matters, among others, may be considered:

(1) The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

(2) The admission of facts and of the genuineness of documents (see § 1.246), and the possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses;

(5) In cases arising under Title II of the Communications Act, the necessity or desirability of amending the pleadings and offers of settlement or proposals of adjustment; and

(6) In cases involving comparative broadcast applications:

(i) Narrowing the issues or the areas of inquiry and proof at the hearing;

(ii) [Reserved]

(iii) Reports and letters relating to surveys or contacts;

(iv) Assumptions regarding the availability of equipment;

(v) Network programming;

(vi) Assumptions regarding the availability of networks proposed;

(vii) Offers of letters in general;

(viii) The method of handling evidence relating to the past cooperation of existing stations owned and/or operated by the applicants with organizations in the area;

(ix) Proof of contracts, agreements, or understandings reduced to writing;

(x) Stipulations;

(xi) Need for depositions;

(xii) The numbering of exhibits;

(xiii) The order or offer of proof with relationship to docket number;

(xiv) The date for the formal hearing; and

(xv) Such other matters as may expedite the conduct of the hearing.

(7) In proceedings in which consent agreements may be negotiated (see § 1.93), the parties shall be prepared to state at the initial prehearing conference whether they are at that time willing to enter negotiations leading to a consent agreement.

(d) This paragraph applies to broadcast proceedings only.

(1) At the prehearing conference prescribed by this section, the parties to the proceeding shall be prepared to discuss the advisability of reducing any or all phases of their affirmative direct cases to written form.

(2) In hearings involving applica-
tions for new, improved and changed
facilities and in comparative hearings
involving only applications for new fa-
cilities, where it appears that it will
contribute significantly to the disposi-
ion of the proceeding for the parties
o submit all or any portion of their
ffirmative direct cases in writing, the
residing officer may, in his discre-
ion, require them to do so.

(3) In other broadcast proceedings,
vhere it appears that it will contribute
ignificantly to the disposition of the
roceeding for the parties to submit
ll or any portion of their affirmative
lirect cases in writing, it is the policy
f the Commission to encourage them
o do so. However, the phase or phases
f the proceeding to be submitted in
riting, the dates for the exchange of
he written material, and other limita-
ions upon the effect of adopting the
ritten case procedure (such as
hether material ruled out as incom-
etent may be restored by other com-
etent testimony) is to be left to
greement of the parties as approved
y the presiding officer.

(e) An official transcript of all con-
erences shall be made.

(f) The presiding officer may, upon
he written request of a party or par-
es, approve the use of a speaker-
hone as a means of attendance at a
rehearing conference if such use is
und to conduce to the proper dis-
atch of business and the ends of jus-
ce.

8 FR 12425, Nov. 22, 1963, as amended at
FR 463, Jan. 12, 1968; 36 FR 14133, July
, 1971; 37 FR 7507, Apr. 15, 1972; 41 FR
873, Apr. 8, 1976; 43 FR 33251, July 31,
78]

.249 Prehearing statement.

Immediately upon convening the
rmal hearing in any proceeding, the
esiding officer shall enter upon the
cord a statement reciting all actions
ken at the prehearing conferences,
d incorporating into the record all
the stipulations and agreements of
e parties which are approved by
m, and any special rules which he
ay deem necessary to govern the
urse of the proceeding.

8 FR 12425, Nov. 22, 1963. Redesignated at
FR 463, Jan. 12, 1968]

HEARING AND INTERMEDIATE DECISION

§ 1.250 Discovery and preservation of evidence; cross-reference.

For provisions relating to prehearing discovery and preservation of admissible evidence, see §§ 1.311 through 1.325.

[33 FR 463, Jan. 12, 1968]

§ 1.251 Summary decision.

(a)(1) Any party to an adjudicatory proceeding may move for summary decision of all or any of the issues set for hearing. The motion shall be filed at least 20 days prior to the date set for commencement of the hearing. The party filing the motion may not rest upon mere allegations or denials but must show, by affidavit or by other materials subject to consideration by the presiding officer, that there is no genuine issue of material fact for determination at the hearing.

(2) With the permission of the presiding officer, or upon his invitation, a motion for summary decision may be filed at any time before or after the commencement of the hearing. No appeal from an order granting or denying a request for permission to file a motion for summary decision shall be allowed. If the presiding officer authorizes a motion for summary decision after the commencement of the hearing, proposed findings of fact and conclusions of law on those issues which the moving party believes can be resolved shall be attached to the motion, and any other party may file findings of fact and conclusions of law as an attachment to pleadings filed by him pursuant to paragraph (b) of this section.

(b) Within 14 days after a motion for summary decision is filed, any other party to the proceeding may file an opposition or a countermotion for summary decision. A party opposing the motion may not rest upon mere allegations or denials but must show, by affidavit or by other materials subject to consideration by the presiding officer, that there is a genuine issue of material fact for determination at the hearing, that he cannot, for good cause, present by affidavit or otherwise facts essential to justify his opposition, or that summary decision is otherwise inappropriate.

(c) Affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein.

(d) The presiding officer may, in his discretion, set the matter for argument and call for the submission of proposed findings, conclusions, briefs or memoranda of law. The presiding officer, giving appropriate weight to the nature of the proceeding, the issue or issues, the proof, and to the need for cross-examination, may grant a motion for summary decision to the extent that the pleadings, affidavits, materials obtained by discovery or otherwise, admissions, or matters officially noticed, show that there is no genuine issue as to any material fact and that a party is otherwise entitled to summary decision. If it appears from the affidavits of a party opposing the motion that he cannot, for good cause shown, present by affidavit or otherwise facts essential to justify his opposition, the presiding officer may deny the motion, may order a continuance to permit affidavits to be obtained or discovery to be had, or make such other order as is just.

(e) If all of the issues (or a dispositive issue) are determined on a motion for summary decision no hearing (or further hearing) will be held. The presiding officer will issue a Summary Decision, which is subject to appeal or review in the same manner as an Initial Decision. See §§ 1.271 through 1.282. If some of the issues only (including no dispositive issue) are decided on a motion for summary decision, or if the motion is denied, the presiding officer will issue a memorandum opinion and order, interlocutory in character, and the hearing will proceed on the remaining issues. Appeal from interlocutory rulings is governed by § 1.301.

(f) The presiding officer may take any action deemed necessary to assure that summary decision procedures are not abused. He may rule in advance of a motion that the proceeding is not appropriate for summary decision, and may take such other measures as are necessary to prevent any unwarranted delay.

(1) Should it appear to the satisfaction of the presiding officer that a motion for summary decision has been presented in bad faith or solely for the purpose of delay, or that such a motion is patently frivolous, he will enter a determination to that effect upon the record.

(2) If, on making such determination, the presiding officer concludes that the facts warrant disciplinary action against an attorney, he will certify the matter to the Commission with his findings and recommendations, for consideration under § 1.24.

(3) If, on making such determination, the presiding officer concludes that the facts warrant a finding of bad faith on the part of a party to the proceeding, he will certify the matter to the Commission, with his findings and recommendations, for a determination as to whether the facts warrant addition of an issue as to the character qualifications of that party.

[37 FR 7507, Apr. 15, 1972, as amended at 42 FR 56508, Oct. 26, 1977]

§ 1.253 Time and place of hearing.

(a) The Commission will specify the day on which and the place at which any hearing is to commence.

(b) The presiding officer will specify the days on which subsequent hearing sessions are to be held.

(c) If the Commission specifies that a hearing is to commence in the District of Columbia, it shall be moved therefrom only by order of the Commission.

(d) If the Commission specifies that a hearing is to commence at a field location, all appropriate proceedings will be completed at such location before the hearing is moved therefrom. When such proceedings are completed, the presiding officer may move the hearing from the field location specified to another appropriate field location or to the District of Columbia.

§ 1.254 Nature of the hearing; burden o proof.

Any hearing upon an applicati shall be a full hearing in which the applicant and all other parties in intere shall be permitted to participate but in which both the burden of proceeding with the introduction of evidence upon any issue specified by the Commission, as well as the burden of proof upon all such issues, shall be upon the applicant except as otherwise provided in the order of designation.

(Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309)

§ 1.255 Order of procedure.

(a) At hearings on a formal complaint or petition or in a proceeding for any instrument of authorization which the Commission is empowered to issue, the complainant, petitioner, or applicant, as the case may be, shall, unless the Commission otherwise orders, open and close. At hearings on protests, the protestant opens and closes the proceedings in case the issues are not specifically adopted by the Commission; otherwise the grantee does so. At hearings on orders to show cause, to cease and desist, to revoke or modify a station license under sections 312 and 316 of the Communications Act, or other like proceedings instituted by the Commission, the Commission shall open and close.

(b) At all hearings under Title II of the Communications Act, other than hearings on formal complaints, petitions, or applications, the respondent shall open and close unless otherwise specified by the Commission.

(c) In all other cases, the Commission or presiding officer shall designate the order of presentation. Intervenors shall follow the party in whose behalf intervention is made, and in all cases where the intervention is not in support of an original party, the Commission or presiding officer shall designate at what stage such intervenors shall be heard.

[28 FR 12425, Nov. 22, 1963, as amended at 33 FR 463, Jan. 12, 1968]

§ 1.258 Closing of the hearing.

The record of hearing shall be closed by an announcement to that effect at the hearing by the presiding officer when the taking of testimony has been concluded. In the discretion of the presiding officer, the record may be closed as of a future specified date in order to permit the admission into the record of exhibits to be prepared: *Provided,* The parties to the proceeding stipulate on the record that they waive the opportunity to cross-examine or present evidence with respect to such exhibits. The record in any hearing which has been adjourned may not be closed by such officer prior to the day on which the hearing is to resume, except upon 10 days' notice to all parties to the proceeding.

§ 1.260 Certification of transcript.

After the close of the hearing, the complete transcript of testimony, together with all exhibits, shall be certified as to identity by the presiding officer and filed in the office of the Secretary of the Commission. Notice of such certification shall be served on all parties to the proceedings.

§ 1.261 Corrections to transcript.

At any time during the course of the proceeding, or as directed by the presiding officer, but not later than 10 days after the date of notice of certification of the transcript, any party to the proceeding may file with the presiding officer a motion requesting the correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties to the proceeding. Within 5 days after the filing of such a motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the presiding officer shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties and made a part of the record. The presiding officer, on his own initiative, may specify corrections to be made in the transcript on 5 days' notice.

[40 FR 51441, Nov. 5, 1975]

§ 1.263 Proposed findings and conclusions.

(a) Each party to the proceeding may file proposed findings of fact and conclusions, briefs, or memoranda of law: *Provided, however,* That the presiding officer may direct any party other than Commission counsel to file proposed findings of fact and conclusions, briefs, or memoranda of law. Such proposed findings of fact, conclusions, briefs, and memoranda of law shall be filed within 20 days after the record is closed, unless additional time is allowed.

(b) All pleadings and other papers filed pursuant to this section shall be accompanied by proof of service thereof upon all other counsel in the proceeding; if a party is not represented by counsel, proof of service upon such party shall be made.

(c) In the absence of a showing of good cause therefor, the failure to file proposed findings of fact, conclusions, briefs, or memoranda of law, when directed to do so, may be deemed a waiver of the right to participate further in the proceeding.

(5 U.S.C. 557)

§ 1.264 Contents of findings of fact and conclusions.

Proposed findings of fact shall be set forth in serially numbered paragraphs and shall set out in detail and with particularity all basic evidentiary facts developed on the record (with appropriate citations to the transcript of record or exhibit relied on for each evidentiary fact) supporting the conclusions proposed by the party filing same. Proposed conclusions shall be separately stated. Proposed findings of fact and conclusions submitted by a person other than an applicant may be limited to those issues in connection with the hearing which affect the interests of such person.

(5 U.S.C. 557)

§ 1.267 Initial and recommended decisions.

(a) Except as provided in this paragraph, in §§ 1.94, 1.251 and 1.274, or where the proceeding is terminated on motion (see § 1.302), the presiding officer shall prepare an initial (or recommended) decision, which shall be transmitted to the Secretary of the Commission. In the case of rate making proceedings conducted under sections 201-205 of the Communications Act, the presumption shall be that the presiding officer shall prepare an initial or recommended decision. The Secretary will make the decision public immediately and file it in the docket of the case.

(b) Each initial and recommended decision shall contain findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; each initial decision shall also contain the appropriate rule or order, and the sanction, relief or denial thereof; and each recommended decision shall contain recommendations as to what disposition of the case should be made by the Commission. Each initial decision will show the date upon which it will become effective in accordance with the rules in this part in the absence of exception
appeal, or review.

(c) The authority of the Presidin
Officer over the proceedings sha
cease when he has filed his Initial
Recommended Decision, or if it is
case in which he is to file no decisio
when he has certified the case for d
cision: *Provided*, however, That h
shall retain limited jurisdiction ov
the proceeding for the purpose of e
fecting certification of the transcri
and corrections to the transcript,
provided in §§ 1.260 and 1.261, respe
tively, and for the purpose of ruli
initially on applications for awards
fees and expenses under the Equ
Access to Justice Act.

(Sec. 409, 48 Stat. 1096, as amended;
U.S.C. 409, 5 U.S.C. 557; secs. 4, 303, 307,
Stat., as amended, 1066, 1082, 1083;
U.S.C. 154, 303, 307)

[28 FR 12425, Nov. 22, 1963, as amende
41 FR 14873, Apr. 8, 1976; 47 FR 3786,
27, 1982]

REVIEW PROCEEDINGS

§ 1.271 Delegation of review function.

The Commission may direct,
order or rule, that its review func
in a case or category of cases be
formed by a commissioner, a pane
commissioners, or by the Re
Board, in which event the commis
er, panel, or board shall exercise
authority and perform the funct
which would otherwise have been
formed by the Commission u
§§ 1.273 through 1.282.

NOTE: Parties to any proceeding designated for hearing prior to August 31, 1961, are entitled to file exceptions to initial decisions with the Commission and to oral argument before the Commission en banc.

(Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155)

§ 1.273 Waiver of initial or recommended decision.

At the conclusion of the hearing or within 20 days thereafter, all parties to the proceeding may agree to waive an initial or recommended decision, and may request that the Commission issue a final decision or order in the case. If the Commission has directed that its review function in the case be performed by a commissioner, a panel of commissioners, or by the Review Board, the request shall be directed to the appropriate review authority. The Commission or such review authority may in its discretion grant the request, in whole or in part, if such action will best conduce to the proper dispatch of business and to the ends of justice.

§ 1.274 Certification of the record to the Commission for initial or final decision.

(a) Where the presiding officer is available to the Commission, and where the Commission finds upon the record that due and timely execution of its functions imperatively and unavoidably so requires, the Commission may direct that the record in a pending proceeding be certified to it for initial or final decision. Unless the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that no recommended decision be issued, the presiding officer will prepare and file a recommended decision, which will be released with the Commission's initial or final decision.

(b) Where the presiding officer becomes unavailable to the Commission after the taking of testimony has been concluded, the Commission may direct that the record in a pending proceeding be certified to it for initial or final decision. In that event, the record shall be certified to the Commission by the Chief Administrative Law Judge.

(c)(1) Where the presiding officer becomes unavailable to the Commission after the taking of evidence has commenced but before it has been concluded, the Commission may order a rehearing before another presiding officer designated in accordance with § 1.241.

(2) Upon a finding that due and timely execution of its functions imperatively and unavoidably so requires, the Commission may (as an alternative) order that the hearing be continued by another presiding officer designated in accordance with § 1.241 or by the Commission itself. In that event, the officer continuing the hearing shall, upon completion of the hearing, certify the proceeding to the Commission for an initial or final decision. Unless the Commission finds upon the record that due and timely execution of its functions imperatively and unavoidably requires that no recommended decision be issued, the officer continuing the hearing shall prepare and file a recommended decision to be released with the Commission's initial or final decision. If all the parties expressly consent, and if the Commission does not order otherwise, the officer continuing the hearing may prepare an initial decision.

(Sec. 409, 48 Stat. 1096, as amended; 47 U.S.C. 409)

§ 1.276 Appeal and review of initial decision.

(a)(1) Within 30 days after the date on which public release of the full text of an initial decision is made, or such other time as the Commission may specify, any of the parties may appeal to the Commission by filing exceptions to the initial decision, and such decision shall not become effective and shall then be reviewed by the Commission, whether or not such exceptions may thereafter be withdrawn. It is the Commission's policy that extensions of time for filing exceptions shall not be routinely granted.

(2) Exceptions shall be consolidated with the argument in a supporting brief and shall not be submitted separately. As used in this subpart, the term "exceptions" means the document consolidating the exceptions and supporting brief. The brief shall contain (i) a table of contents, (ii) a table

of citations, (iii) a concise statement of the case, (iv) a statement of the questions of law presented, and (v) the argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific reference to the record and all legal or other materials relied on.

(b) The Commission may on its own initiative provide, by order adopted not later than 20 days after the time for filing exceptions expires, that an initial decision shall not become final, and that it shall be further reviewed or considered by the Commission.

(c) In any case in which an initial decision is subject to review in accordance with paragraph (a) or (b) of this section, the Commission may, on its own initiative or upon appropriate requests by a party, take any one or more of the following actions:

(1) Hear oral argument on the exceptions;

(2) Require the filing of briefs;

(3) Prior to or after oral argument or the filing of exceptions or briefs, reopen the record and/or remand the proceedings to the presiding officer to take further testimony or evidence;

(4) Prior to or after oral argument or the filing of exceptions or briefs, remand the proceedings to the presiding officer to make further findings or conclusions; and

(5) Prior to or after oral argument or the filing of exceptions or briefs, issue, or cause to be issued by the presiding officer, a supplemental initial decision.

(d) No initial decision shall become effective before 50 days after public release of the full text thereof is made unless otherwise ordered by the Commission. The timely filing of exceptions, the further review or consideration of an initial decision on the Commission's initiative, or the taking of action by the Commission under paragraph (c) of this section shall stay the effectiveness of the initial decision until the Commission's review thereof has been completed. If the effective date of an initial decision falls within any further time allowed for the filing of exceptions, it shall be postponed automatically until 30 days after time for filing exceptions has expired.

(e) If no exceptions are filed, and the Commission has not ordered the review of an initial decision on its initiative, or has not taken action under paragraph (c) of this section, the initial decision shall become effective, an appropriate notation to that effect shall be entered in the docket of the case, and a "Public Notice" thereof shall be given by the Commission. The provisions of § 1.108 shall not apply to such public notices.

(f) When any party fails to file exceptions within the specified time to an initial decision which proposes to deny its application, such party shall be deemed to have no interest in further prosecution of its application, and its application may be dismissed with prejudice for failure to prosecute.

(Sec. 40, 48 Stat. 1096, as amended; 47 U.S.C. 409)

[28 FR 12425, Nov. 22, 1963, as amended at 41 FR 14873, Apr. 8, 1976]

§ 1.277 Exceptions; oral arguments.

(a) The consolidated supporting brief and exceptions to the initial decision (see § 1.276(a)(2)), including rulings upon motions or objections, shall point out with particularity alleged material errors in the decision or ruling and shall contain specific references to the page or pages of the transcript of hearing, exhibit or order if any on which the exception is based. Any objection not saved by exception filed pursuant to this section is waived.

(b) Within the period of time allowed in § 1.276(a) for the filing of exceptions, any party may file a brief in support of an initial decision, in whole or in part, which may contain exceptions and which shall be similar in form to the brief in support of exceptions (see § 1.276(a)(2)).

(c) Except by special permission, the consolidated brief and exceptions will not be accepted if the exceptions and argument exceed 50 double-spaced typewritten pages in length. (The table of contents and table of citations are not counted in the 50 page limit; however, all other contents of and attachments to the brief are counted.) Within 10 days, or such other time as the Commission may specify, after the time for filing exceptions has expired, any other party may file a reply brief, which shall not exceed 25 double-spaced typewritten pages and shall contain a table of contents and a table of citations. If exceptions have been filed, any party may request oral argument not later than five days after the time for filing replies to the exceptions has expired. The Commission in its discretion will, by order, grant or deny the request for oral argument. Within five days after release of the Commission's order designating an initial decision for oral argument, as provided in paragraph (d) of this section, any party who wishes to participate in oral argument shall file written notice of intention to appear and participate in oral argument; and failure to file written notice shall constitute a waiver of the opportunity to participate.

(d) Each order scheduling a case for oral argument will contain the allotment of time for each party for oral argument before the Commission. The Commission will grant, in its discretion, upon good cause shown, an extension of such time upon petition by a party, which petition must be filed within 5 days after issuance of said order for oral argument.

(e) Within 10 days after a transcript of oral argument has been filed in the office of the Secretary of the Commission, any party who participated in the oral argument may file with the Commission a motion requesting correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties who participated in the oral argument. Within 5 days after the filing of such a motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the officer who presided at the oral argument shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties to the proceeding. The officer who presided at the oral argument may, on his own initiative, by order, specify corrections to be made in the transcript on 5 days notice of the proposed corrections to all parties who participated in the oral argument.

(f) Any commissioner or member of the Review Board who is not present at oral argument and who is otherwise authorized to participate in a final decision may participate in making that decision after reading the transcript of oral argument.

(Sec. 409, 48 Stat. 1096, as amended; 47 U.S.C. 409)

[28 FR 12425, Nov. 22, 1963, as amended at 41 FR 14873, Apr. 8, 1976; 41 FR 34259, Aug. 13, 1976; 44 FR 12426, Mar. 7, 1979]

§ 1.279 Limitation of matters to be reviewed.

Upon review of any initial decision, the Commission may, in its discretion, limit the issues to be reviewed to those findings and conclusions to which exceptions have been filed, or to those findings and conclusions specified in the Commission's order of review issued pursuant to § 1.276(b).

§ 1.282 Final decision of the Commission.

(a) After opportunity has been afforded for the filing of proposed findings of fact and conclusions, exceptions, supporting statements, briefs, and for the holding of oral argument as provided in this subpart, the Commission will issue a final decision in each case in which an initial decision has not become final.

(b) The final decision shall contain:

(1) Findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record;

(2) Rulings on each relevant and material exception filed; the Commission will deny irrelevant exceptions, or those which are not of decisional significance, without a specific statement of reasons prescribed by paragraph (b)(1) of this section; and

(3) The appropriate rule or oder and the sanction, relief or denial thereof.

(Sec. 8(b), 60 Stat. 2422; 5 U.S.C. 1007(b))

[28 FR 12425, Nov. 22, 1963, as amended at 41 FR 14873, Apr. 8, 1976]

INTERLOCUTORY ACTIONS IN HEARING PROCEEDINGS

§ 1.291 General provisions.

(a)(1) The Commission acts on petitions to amend, modify, enlarge or delete the issues in hearing proceedings which involve rule making matters exclusively. It also acts on interlocutory pleadings filed in matters or proceedings which are before the Commission.

(2) The Review Board acts on interlocutory pleadings in proceedings which are before the Board.

(3) The Chief Administrative Law Judge acts on those interlocutory matters listed in § 0.351 of this chapter.

(4) All other interlocutory matters in hearing proceedings are acted on by the presiding officer. See §§ 0.218 and 0.341 of this chapter.

(5) Each interlocutory pleading shall indicate in its caption whether the pleading is to be acted upon by the Commission, the Review Board, the Chief Administrative Law Judge, or the presiding officer. If the pleading is to be acted upon by the presiding officer, he shall be identified by name.

(b) All interlocutory pleadings shall be submitted in accordance with the provisions of §§ 1.4, 1.44, 1.47, 1.48, 1.49, and 1.52.

(c)(1) Procedural rules governing interlocutory pleadings are set forth in §§ 1.294—1.298.

(2) Rules governing appeal from, and reconsideration of, interlocutory rulings made by the presiding officer are set forth in §§ 1.301 and 1.303.

(3) Rules governing the review of interlocutory rulings made by the Review Board or the Chief Administrative Law Judge are set forth in §§ 1.101, 1.102(b), 1.115, and 1.117. Petitions requesting reconsideration of an interlocutory ruling made by the Commission, the Review Board, or the Chief Administrative Law Judge will not be entertained. See, however, § 1.113.

(d) No initial decision shall become effective under § 1.276(e) until all interlocutory matters pending before the Review Board or the Commission in the proceeding at the time the initial decision is issued have been disposed of and the time allowed for appeal from interlocutory rulings of the presiding officer or the Review Board has expired.

(Secs. 4(i), 303(r) and 5(d)(1) of the Communications Act of 1934, as amended; 47 CFR 0.61 and 0.283)

[29 FR 6443, May 16, 1964, as amended at 29 FR 12773, Sept. 10, 1964; 37 FR 19372, Sept. 20, 1972; 41 FR 14873, Apr. 8, 1976; 49 FR 4381, Feb. 6, 1984]

§ 1.294 Oppositions and replies.

(a) Any party to a hearing may file an opposition to an interlocutory request filed in that proceeding.

(b) Except as provided in paragraph (c) of this section, oppositions shall be filed within 4 days after the original pleading is filed, and replies to oppositions will not be entertained. See, however, § 1.732.

(c) Oppositions to pleadings in the following categories shall be filed within 10 days after the pleading is filed. Replies to such oppositions shall be filed within 5 days after the opposition is filed, and shall be limited to matters raised in the opposition.

(1) Petitions to amend, modify, enlarge, or delete the issues upon which the hearing was ordered.

(2) [Reserved]

(3) Petitions by adverse parties requesting dismissal of an application.

(4) Joint requests for approval of agreements filed pursuant to § 1.525.

(d) Additional pleadings may be filed only if specifically requested or authorized by the person(s) who is to make the ruling.

[29 FR 6444, May 16, 1964, as amended at 39 FR 10909, Mar. 22, 1974]

§ 1.296 Service.

No pleading filed pursuant to § 1.51 or § 1.294 will be considered unless it is accompanied by proof of service upon the parties to the proceeding.

(Secs. 4(i), 303(r) and 5(d)(1) of the Communications Act of 1934, as amended; 47 CFR 0.61 and 0.283)

[49 FR 4381, Feb. 6, 1984]

§ 1.297 Oral argument.

Oral argument with respect to any contested interlocutory matter will be held when, in the opinion of the person(s) who is to make the ruling the ends of justice will be best served thereby. Timely notice will be given of the date, time, and place of any such oral argument.

[29 FR 6444, May 16, 1964]

§ 1.298 Rulings; time for action.

(a) Unless it is found that irreparable injury would thereby be caused one of the parties, or that the public interest requires otherwise, or unless all parties have consented to the contrary, consideration of interlocutory requests will be withheld until the time for filing oppositions (and replies, if replies are allowed) has expired. As a matter of discretion, however, requests for continuances and extensions of time, requests for permission to file pleadings in excess of the length prescribed in this chapter, and requests for temporary relief may be ruled upon ex parte without waiting for the filing of responsive pleadings.

(b) In the discretion of the presiding officer, rulings on interlocutory matters may be made orally at the hearing. The presiding officer may, in his discretion, state his reasons on the record or subsequently issue a written statement of the reasons for his ruling, either separately or as part of the initial decision.

[28 FR 12425, Nov. 22, 1963, as amended at 29 FR 6444, May 16, 1964; 41 FR 14874, Apr. 8, 1976]

APPEAL AND RECONSIDERATION OF PRESIDING OFFICER'S RULING

§ 1.301 Appeal from presiding officer's interlocutory ruling; effective date of ruling.

(a) *Interlocutory rulings which are appealable as a matter of right.* Rulings listed in this paragraph are appealable as a matter of right. An appeal from such a ruling may not be deferred and raised as an exception to the initial decision.

(1) If the presiding officer's ruling denies or terminates the right of any person to participate as a party to a hearing proceeding, such person, as a matter of right, may file an appeal from that ruling.

(2) If the presiding officer's ruling requires testimony or the production of documents, over objection based on a claim of privilege, the ruling on the claim of privilege is appealable as a matter of right.

(3) If the presiding officer's ruling denies a motion to disqualify the presiding judge, the ruling is appealable as a matter of right.

(4) Rulings granting a joint request filed under § 1.525 without terminating the proceeding are appealable by any party as a matter of right.

(5) A ruling removing counsel from the hearing is appealable as a matter of right, by counsel on his own behalf or by his client. (In the event of such ruling, the presiding officer will adjourn the hearing for such period as is reasonably necessary for the client to secure new counsel and for counsel to familiarize himself with the case).

(b) *Other interlocutory rulings.* Except as provided in paragraph (a) of this section, appeals from interlocutory rulings of the presiding officer shall be filed only if allowed by the presiding officer. Any party desiring to file an appeal shall first file a request for permission to file appeal. The request shall be filed within 5 days after the order is released or (if no written order) after the ruling is made. Pleadings responsive to the request shall be filed only if they are requested by the presiding officer. The request shall contain a showing that the appeal presents a new or novel question of law or policy and that the ruling is such that error would be likely to require remand should the appeal be deferred and raised as an exception. The presiding officer shall determine whether the showing is such as to justify an interlocutory appeal and, in accordance with his determination, will either allow or disallow the appeal or modify the ruling. If the presiding officer allows or disallows the appeal, his ruling is final: *Provided, however,* That the Commission may, on its own motion, dismiss an appeal allowed by the presiding officer on the ground that objection to the ruling should be deferred and raised as an exception. In the discretion of the presiding officer, the request for permission to file appeal may be made orally, on the record of the proceeding. The request may be disposed of orally.

(1) If an appeal is not allowed, or is dismissed by the Commission, or if permission to file an appeal is not requested, objection to the ruling may be raised on review of the initial decision.

(2) If an appeal is allowed and is considered on its merits, the disposition on appeal is final. Objection to the ruling or to the action on appeal may not be raised on review of the initial decision.

(3) If the presiding officer modifies the ruling, any party adversely affected by the modified ruling may file a request for permission to file appeal, pursuant to the provisions of this paragraph.

(c) *Procedures, effective date.* (1) Unless the presiding officer orders otherwise, rulings made by him shall be effective when the order is released or (if no written order) when the ruling is made. The Commission may stay the effect of any ruling which comes before it for consideration on appeal.

(2) Appeals filed under paragraph (a) of this section shall be filed within 5 days after the order is released or (if no written order) after the ruling is made. Appeals filed under paragraph (b) of this section shall be filed within 5 days after the appeal is allowed.

(3) The appeal shall conform with the specifications set out in § 1.49 and shall be subscribed and verified as provided in § 1.52.

(4) The appeal shall be served on parties to the proceeding (see §§ 1.47 and 1.211), and shall be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554.

(5) The appeal shall not exceed 5 double-spaced typewritten pages.

(6) Appeals are acted on by the Review Board.

(7) Oppositions and replies shall be served and filed in the same manner as appeals and shall be served on appellant if he is not a party to the proceeding. Oppositions shall be filed within 5 days after the appeal is filed. Replies shall not be permitted, unless the Commission specifically requests them. Oppositions shall not exceed 5 double-spaced typewritten pages. Replies shall not exceed 5 double-spaced typewritten pages.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[35 FR 17333, Nov. 11, 1970, as amended at 40 FR 39509, Aug. 28, 1975; 41 FR 14874, Apr. 8, 1976; 41 FR 28789, July 13, 1976; 46 FR 58682, Dec. 3, 1981; 55 FR 36641, Sept. 6, 1990]

§ 1.302 Appeal from presiding officer's final ruling; effective date of ruling.

(a) If the presiding officer's ruling terminates a hearing proceeding, any party to the proceeding, as a matter of right, may file an appeal from that ruling within 30 days after the ruling is released.

(b) Any party who desires to preserve the right to appeal shall file a notice of appeal within 10 days after the ruling is released. If a notice of appeal is not filed within 10 days, the ruling shall be effective 30 days after the ruling is released and within this period, may be reviewed by the Commission or the Review Board on its own motion. If an appeal is not filed following notice of appeal, the ruling shall be effective 50 days after the day of its release and, within this period, may be reviewed by the Commission or the Review Board on its own motion. If an appeal is filed, or if the Commission or the Review Board reviews the ruling on its own motion, the effect of the ruling is further stayed pending the completion of proceeding on appeal or review.

(c) The appeal shall conform wit the specifications set out in § 1.49 an shall be subscribed and verified as pr vided in § 1.52.

(d) The appeal shall be served o parties to the proceeding (see §§ 1.4 and 1.211), and shall be filed with th Secretary, Federal Communicatio Commission, Washington, D.C. 20554.

(e) The appeal shall not exceed double-spaced typewritten pages.

(f) If the Commission would have r viewed an initial decision in the pr ceeding (see § 0.365(a) of this chapte the Commission will act on the appe In all other cases, the appeal will acted on by the Review Board. T caption of the appeal shall spec whether the appeal is to be acted by the Commission or the Revi Board.

(g) Oppositions and replies shall be filed and served in the same manner as the appeal. Oppositions to an appeal shall be filed within 15 days after the appeal is filed. Replies to oppositions shall be filed within 10 days after the opposition is filed and shall be limited to matters raised in the oppositions. Oppositions shall not exceed 25 double-spaced typewritten pages. Replies shall not exceed 10 double-spaced typewritten pages.

[35 FR 17333, Nov. 11, 1970, as amended at 36 FR 7423, Apr. 20, 1971]

THE DISCOVERY AND PRESERVATION OF EVIDENCE

AUTHORITY: Sections 1.311 through 1.325 are issued under secs. 4, 303, 409, 48 Stat., as amended, 1066, 1082, 1096; 47 U.S.C. 154, 303, 409, 5 U.S.C. 552.

§ 1.311 General.

Sections 1.311 through 1.325 provide for taking the deposition of any person (including a party), for interrogatories to parties, and for orders to parties relating to the production of documents and things and for entry upon real property. These procedures may be used for the discovery of relevant facts, for the production and preservation of evidence for use at the hearing, or for both purposes.

(a) *Applicability.* For purposes of discovery, these proecdures may be used in any case of adjudication (as defined in the Administrative Procedure Act) which has been designated for hearing. For the preservation of evidence, they may be used in any case which has been designated for hearing and is conducted under the provisions of this subpart (see § 1.201).

(b) *Scope of examination.* Persons and parties may be examined regarding any matter, not privileged, which is relevant to the hearing issues, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection to use of these procedures that the testimony will be inadmissible at the hearing if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence. The use of these procedures against the Commission is subject to the following additional limitations:

(1) The informer's privilege shall encompass information which may lead to the disclosure of an informer's identity.

(2) Commission personnel may not be questioned by deposition for the purposes of discovery except on special order of the Commission, but may be questioned by written interrogatories under § 1.323. Interrogatories shall be served on the appropriate Bureau Chief (see § 1.21(b)). They will be answered and signed by those personnel with knowledge of the facts. The answers will be served by the Secretary of the Commission upon parties to the proceeding.

(3) Commission records are not subject to discovery under § 1.325. The inspection of Commission records is governed by the Freedom of Information Act, as amended, and by §§ 0.451 through 0.467 of this chapter. Commission employees may be questioned by written interrogatories regarding the existence, nature, description, custody, condition and location of Commission records, but may not be questioned concerning their contents unless the records are available (or are made available) for inspection under §§ 0.451 through 0.467. See § 0.451(b)(5) of this chapter.

(4) Subject to paragraphs (b) (1) through (3) of this section, Commission personnel may be questioned generally by written interrogatories regarding the existence, description, nature, custody, condition and location of relevant documents and things and regarding the identity and location of persons having knowledge of relevant facts, and may otherwise only be examined regarding facts of the case as to which they have direct personal knowledge.

(c) *Schedule for use of the procedures.* (1) Except as provided by special order of the presiding officer, discovery may be initiated before or after the prehearing conference provided for in § 1.248(a)(1). The presiding officer may at any time order the parties or their attorneys to appear at a conference to consider the proper use of these procedures or the time to be allowed for such use.

(d) *Who shall act.* Actions provided for in §§ 1.311 through 1.325 will, in most cases, be taken by the officer designated to preside at the hearing (see § 1.241). If the proceeding, or a particular matter to which the action relates, is before the Commission, the Review Board, a commissioner or panel of commissioners, or the Chief Administrative Law Judge, the action will be taken by such officer or body. The term "presiding officer", as used in §§ 1.311 through 1.325 shall be understood to refer to the appropriate officer or body. See §§ 0.341, 0.351, 0.365, and 1.271 of this chapter.

(e) *Stipulations regarding the taking of depositions.* If all of the parties so stipulate in writing and if there is no interference to the conduct of the proceeding, depositions may be taken before any person, at any time (subject to the limitation below) or place, upon any notice and in any manner, and when so taken may be used like other depositions. An original and one copy of the stipulation shall be filed with the Secretary of the Commission, and a copy of the stipulation shall be served on the presiding officer, at least 3 days before the scheduled taking of the deposition.

[33 FR 463, Jan. 12, 1968, as amended at 40 FR 39509, Aug. 28, 1975; 47 FR 51873, Nov. 18, 1982]

§ 1.313 Protective orders.

The use of the procedures set forth in §§ 1.311 through 1.325 is subject to control by the presiding officer, who may issue any order consistent with the provisions of those sections which is appropriate and just for the purpose of protecting parties and deponents or of providing for the proper conduct of the proceeding. The order may specify any measures, including the following to assure proper conduct of the proceeding or to protect any party or deponent from annoyance, expense, embarrassment or oppression:

(a) That depositions shall not be taken or that interrogatories shall not be answered.

(b) That certain matters shall not be inquired into.

(c) That the scope of the examination or interrogatories shall be limited to certain matters.

(d) That depositions may be taken only at some designated time or place, or before an officer, other than that stated in the notice.

(e) That depositions may be taken only by written interrogatories or only upon oral examination.

(f) That, after being sealed, the deposition shall be opened only by order of the presiding officer.

[33 FR 463, Jan. 12, 1968]

§ 1.315 Depositions upon oral examination—notice and preliminary procedure.

(a) *Notice.* A party to a hearing proceeding desiring to take the deposition of any person upon oral examination shall give a minimum of 21 days notice in writing to every other party, to the person to be examined, and to the presiding officer. An original and three copies of the notice shall be filed with the Secretary of the Commission. Related pleadings shall be served and filed in the same manner. The notice shall contain the following information:

(1) The name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The time and place for taking the deposition of each person to be examined, and the name or descriptive title and address of the officer before whom the deposition is to be taken.

(3) The matters upon which each person will be examined. See § 1.319.

(b) *Responsive pleadings.* (1) Withi 7 days after service of the notice t take depositions, a motion opposin the taking of depositions may be file by any party to the proceeding or b the person to be examined. Se § 1.319(a).

(2) Within 14 days after service the notice to take depositions, a r sponse to the opposition motion ma be filed by any party to the procee ing.

(3) Additional pleadings should n be filed and will not be considered.

(4) The computation of time provisions set forth in § 1.4(g) shall not apply to pleadings filed under the provisions of this paragraph.

(c) *Protective order.* On an opposition motion filed under paragraph (b) of this section, or on his own motion, the presiding officer may issue a protective order. See § 1.313. A protective order issued by the presiding officer on his own motion may be issued at any time prior to the date specified in the notice for the taking of depositions.

(d) *Authority to take depositions.* (1) If an opposition motion is not filed within 7 days after service of the notice to take depositions, and if the presiding officer does not on his own motion issue a protective order prior to the time specified in the notice for the taking of depositions, the depositions described in the notice may be taken. An order for the taking of depositions is not required.

(2) If an opposition motion is filed, the depositions described in the notice shall not be taken until the presiding officer has acted on that motion. If the presiding officer authorizes the taking of depositions, he may specify a time, place or officer for taking them different from that specified in the notice to take depositions.

(3) If the presiding officer issues a protective order, the depositions described in the notice may be taken (if at all) only in accordance with the provisions of that order.

[33 FR 10571, July 25, 1968]

§ 1.316 Depositions upon written interrogatories—notice and preliminary procedure.

(a) *Service of interrogatories; notice.* A party to the hearing proceeding desiring to take the deposition of any person upon written interrogatories shall serve the interrogatories upon every other party and shall give a minimum of 35 days notice in writing to every other party and to the person to be examined. An original and three copies of the interrogatories and the notice (and of all related pleadings) shall be filed with the Secretary of the Commission. A copy of the interrogatories and the notice (and of all related pleadings) shall be served on the presiding officer. The notice shall contain the following information:

(1) The name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The time and place for taking the deposition of each person to be examined, and the name or descriptive title and address of the officer before whom the deposition is to be taken.

(3) The matters upon which each person will be examined. See § 1.319.

(b) *Additional interrogatories.* Within 7 days after the filing and service of the original interrogatories, any other party to the proceeding may, in the same manner, file and serve additional interrogatories to be asked of the same witness at the same time and place, with notice to the witness of any additional matters upon which he will be examined.

(c) *Cross interrogatories.* Within 14 days after the filing and service of the original interrogatories, any party to the proceeding may, in the same manner, file and serve cross interrogatories, which shall be limited to matters raised in the original or in the additional interrogatories.

(d) *Responsive pleadings.* (1) Within 21 days after service of the original interrogatories, any party to the proceeding may move to limit or suppress any original, additional or cross interrogatory, and the person to be examined may file a motion opposing the taking of depositions. See § 1.319(a).

(2) Within 28 days after service of the original interrogatories, a response to a motion to limit or suppress any interrogatory or to a motion opposing the taking of depositions may be filed by any party to the proceeding.

(3) Additional pleadings should not be filed and will not be considered.

(e) *Protective order.* On a motion to limit or suppress or an opposition motion filed under paragraph (d) of this section, or on his own motion, the presiding officer may issue a protective order. See § 1.313. A protective order issued by the presiding officer on his own motion may be issued at any time prior to the date specified in the notice for the taking of depositions.

(f) *Authority to take depositions.* (1) If an opposition motion is not filed within 21 days after service of the notice to take depositions, and if the presiding officer does not on his own motion issue a protective order prior to the time specified in the notice for the taking of depositions, the depositions described in the notice may be taken. An order for the taking of depositions is not required.

(2) If an opposition motion is filed, the depositions described in the notice shall not be taken until the presiding officer has acted on that motion. If the presiding officer authorizes the taking of depositions, he may specify a time, place or officer for taking them different from that specified in the notice to take depositions.

(3) If the presiding officer issues a protective order, the depositions described in the notice may be taken (if at all) only in accordance with the provisions of that order.

NOTE: The computation of time provisions of § 1.4(g) shall not apply to interrogatories and pleadings filed under the provisions of this section.

[33 FR 10571, July 25, 1968]

§ 1.318 The taking of depositions.

(a) *Persons before whom depositions may be taken.* Depositions shall be taken before any judge of any court of the United States; any U.S. Commissioner; any clerk of a district court; any chancellor, justice or judge of a supreme or superior court; the mayor or chief magistrate of a city; any judge of a county court, or court of common pleas of any of the United States; any notary public, not being of counsel or attorney to any party, nor interested in the event of the proceeding, or presiding officers, as provided in § 1.243.

(b) *Attendance of witnesses.* The attendance of witnesses at the taking of depositions may be compelled by the use of subpena as provided in §§ 1.331 through 1.340.

(c) *Oath; transcript.* The officer before whom the deposition is to be taken shall administer an oath or affirmation to the witness and shall personally, or by someone acting under his direction and in his presence record the testimony of the witness. The testimony may be taken stenographically or, upon approval by the presiding officer, testimony may be taken through the use of telephonically or electronically recorded methods, including videotape. In the event these latter methods are used for the deposition, the parties may agree to the waiver of the provisions of paragraphs (e) and (f) as appropriate and as approved by the presiding officer.

(d) *Examination.* (1) In the taking of depositions upon oral examination, the parties may proceed with examination and cross-examination of deponents as permitted at the hearing. In lieu of participating in the oral examination, parties served with the notice to take depositions may transmit written interrogatories to the officer designated in the notice, who shall propound them to the witness and record the answers verbatim.

(2) In the taking of depositions upon written interrogatories, the party who served the original interrogatories shall transmit copies of all interrogatories to the officer designated in the notice, who shall propound them to the witness and record the answers verbatim.

(e) *Submission of deposition to witness; changes; signing.* When the testimony is fully transcribed, the deposition of each witness shall be submitted to him for examination and shall be read to or by him, unless such examination and reading are waiver by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reason given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing, or the witness is ill, cannot be found, or refuse to sign. If the deposition is not signe by the witness, the officer shall sign and state on the record the fact of th waiver, the illness or absence of th witness, or of his refusal to sign, t gether with the reason (if any) give therefor; and the deposition may the be used as fully as though signe unless upon a motion to suppress, th presiding officer holds that the reaso given for the refusal to sign requires rejection of the deposition in whole or in part.

(f) *Certification of deposition and filing by officer; copies.* The officer shall certify on the deposition that the witness was duly sworn by him, that the deposition is a true record of the testimony given by the witness, and that said officer is not of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly send the original and two copies of the deposition and of all exhibits, together with the notice and any interrogatories received by him, by certified mail to the Secretary of the Commission.

[33 FR 463, Jan. 12, 1968, as amended at 47 FR 51873, Nov. 18, 1982]

§ 1.319 Objections to the taking of depositions.

(a) *Objections to be made by motion prior to the taking of depositions.* If there is objection to the substance of any interrogatory or to examination on any matter clearly covered by the notice to take depositions, the objection shall be made in a motion opposing the taking of depositions or in a motion to limit or suppress the interrogatory as provided in §§ 1.315(b) and 1.316(d) and shall not be made at the taking of the deposition.

(b) *Objections to be made at the taking of depositions.* Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless reasonable objection thereto is made at the taking of the deposition. If such objection is made, counsel shall, if possible, agree upon the measures required to obviate, remove, or cure such errors. The measures agreed upon shall be taken. If agreement cannot be reached, the objection shall be noted on the deposition by the officer taking it, and the testimony objected to shall be taken subject to the objection.

(c) *Additional objections which may be made at the taking of depositions.* Objection may be made at the taking of depositions on the ground of relevancy or privilege, if the notice to take depositions does not clearly indicate that the witness is to be examined on the matters to which the objection relates. See paragraph (a) of this section. Objection may also be made on the ground that the examination is being conducted in such manner as to unreasonably annoy, embarrass, or oppress a deponent or party.

(1) When there is objection to a line of questioning, as permitted by this paragraph, counsel shall, if possible, reach agreement among themselves regarding the proper limits of the examination.

(2) If counsel cannot agree on the proper limits of the examination the taking of depositions shall continue on matters not objected to and counsel shall, within 24 hours, either jointly or individually, telegraph statements of their positions to the presiding officer, together with the telephone numbers at which they and the officer taking the depositions can be reached, or shall otherwise jointly confer with the presiding officer. If individual statements are submitted, copies shall be provided to all counsel participating in the taking of depositions.

(3) The presiding officer shall promptly rule upon the question presented or take such other action as may be appropriate under § 1.313, and shall give notice of his ruling, by telephone, to counsel who submitted statements and to the officer taking the depositions. The presiding officer shall thereafter reduce his ruling to writing.

(4) The taking of depositions shall continue in accordance with the presiding officer's ruling. Such rulings are not subject to appeal.

[33 FR 463, Jan. 12, 1968]

§ 1.321 Use of depositions at the hearing.

(a) No inference concerning the admissibility of a deposition in evidence shall be drawn because of favorable action on the notice to take depositions.

(b) Except as provided in this paragraph and in § 1.319, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(1) Objections to the competency of a witness, or the competency, relevancy or materiality of testimony are waived by failure to make them before or during the taking of depositions if (and only if) the ground of the objection is one which might have been obviated or removed if presented at that time.

(2) Objection on the ground of privilege is waived by failure to make it before or during the taking of depositions.

(c) A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. The introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent makes the deponent the witness of the party introducing the deposition, but this shall not apply to the use by an adverse party of a deposition as described in paragraph (d)(2) of this section. At the hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by any other party.

(d) At the hearing (or in a pleading), any part or all of a deposition, so far as admissible, may be used against any party who was present or represented at the taking of the deposition or who had due notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(2) The deposition of a party or of any one who at the time of taking the deposition was an officer, director, or managing agent of a public or private corporation, partnership or association which is a party may be used by an adverse party for any purpose.

(3) To the extent that the affirmative direct case of a party is made in writing pursuant to § 1.248(d), the deposition of any witness, whether or not a party, may be used by any party for any purpose, provided the witness is made available for cross-examination. In all cases, the deposition of a witness, whether or not a party, may be used by any party for any purpose if the presiding officer finds: (i) That the witness is dead; or (ii) that the witness is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or (iii) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (iv) upon application and notice, that such exceptional circumstances exist as to make it desirable in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

(4) If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce all of it which is relevant to the part introduced, and any party may introduce any other parts.

(5) Substitution of parties does not affect the right to use depositions previously taken; and, when an action in any hearing has been dismissed and another action involving the same subject matter is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former action may be used in the latter as if originally taken therefor.

[33 FR 463, Jan. 12, 1968, as amended at 41 FR 14874, Apr. 8, 1976]

§ 1.323 Interrogatories to parties.

(a) *Interrogatories.* Any party may serve upon any other party written interrogatories to be answered in writing by the party served or, if the party served is a public or private corporation or a partnership or association, by any officer or agent, who shall furnish such information as is available to the party. A copy of the interrogatories shall be served upon all parties to the proceeding. An original and three copies of the interrogatories, answers, and all related pleadings shall be filed with the Secretary of the Commission. A copy of the interrogatories, answers and all related pleadings shall be served on the presiding officer.

(1) Except as otherwise provided in a protective order, the number of interrogatories or sets of interrogatories is not limited.

(2) Except as provided in such an order, interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered.

(b) *Answers and objections.* Each interrogatory shall be answered separately and fully in writing under oath or affirmation, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers shall be signed by the person making them, and the objections by the attorney making them. The party upon whom the interrogatories were served shall serve a copy of the answers and objections upon all parties to the proceeding within 14 days after service of the interrogatories, or within such shorter or longer period as the presiding officer may allow. Answers may be used in the same manner as depositions of a party (see § 1.321(d)).

(c) *Motion to compel an answer.* Any party to the proceeding may, within 7 days, move for an order with respect to any objection or other failure to answer an interrogatory. For purposes of this paragraph, an evasive or incomplete answer is a failure to answer; and if the motion is based on the assertion that the answer is evasive or incomplete, it shall contain a statement as to the scope and detail of an answer which would be considered responsive and complete. The party upon whom the interrogatories were served may file a response within 7 days after the motion is filed, to which he may append an answer or an amended answer. Additional pleadings should not be submitted and will not be considered.

(d) *Action by the presiding officer.* If the presiding officer determines that an objection is not justified, he shall order that the answer be served. If an interrogatory has not been answered, the presiding officer may rule that the right to object has been waived and may order that an answer be served. If an answer does not comply fully with the requirements of this section, the presiding officer may order that an amended answer be served, may specify the scope and detail of the matters to be covered by the amended answer, and may specify any appropriate procedural consequences (including adverse findings of fact and dismissal with prejudice) which will follow from the failure to make a full and responsive answer. If a full and responsive answer is not made, the presiding officer may issue an order invoking any of the procedural consequences specified in the order to compel an answer.

(e) *Appeal.* As order to compel an answer is not subject to appeal.

[33 FR 10572, July 25, 1968, as amended at 35 FR 17334, Nov. 11, 1970]

§ 1.325 Discovery and production of documents and things for inspection, copying, or photographing.

(a) Upon motion of any party showing good cause therefor and upon notice to all other parties, and subject to the provisions of § 1.313, the presiding officer may (1) order any party except the Commission (see paragraph (b) of this section) to produce and permit the inspection and copying or photographing, by or on behalf of the moving party of any designated documents, papers, books, accounts, letters, photographs, objects, or tangible things, not privileged, which constitute or contain evidence relating to any of the matters within the scope of the examination permitted by § 1.311(b) and which are in his possession, custody, or control; or (2) order any party to permit entry upon designated land or other property in his possession or control for the purpose of inspecting, measuring, surveying, or photographing the property or any designated object or operation thereon within the scope of the examination permitted by § 1.311(b). The order shall specify the time, place, and manner of making the inspection and taking the copies and photographs and may prescribe such terms and conditions as are just.

(b) Any party seeking the production of Commission records should proceed under § 0.460 or § 0.461 of this chapter. See §§ 0.451 through 0.467.

[33 FR 463, Jan. 12, 1968, as amended at 40 FR 39509, Aug. 28, 1975]

SUBPENAS

AUTHORITY: Sections 1.331 and 1.333 through 1.340 are issued under sec. 409, 48 Stat. 1096; 47 U.S.C. 409.

§ 1.331 Who may sign and issue.

Subpenas requiring the attendance and testimony of witnesses, and subpenas requiring the production of any books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation or hearing, may be signed and issued as follows:

(a) Hearings before the Commission en banc, an individual commissioner, or a panel of commissioners: By any commissioner participating in the conduct of the hearing.

(b) Hearings before an administrative law judge: By the administrative law judge or, in his absence, by the Chief Administrative Law Judge.

§ 1.333 Requests for issuance of subpena.

(a) Unless submitted on the record while a hearing is in progress, requests for a subpena ad testificandum shall be submitted in writing.

(b) Requests for a subpena *duces tecum* shall be submitted in writing, duly subscribed and verified, and shall specify with particularity the books, papers, and documents desired and the facts expected to be proved thereby. Where the subpena *duces tecum* request is directed to a nonparty to the proceeding, the presiding officer may issue the same, upon request, without an accompanying subpena to enforce a notice to take depositions, provided for in paragraph (e) of this section, where it appears that the testimony of said person is not required in connection with the subpena *duces tecum*.

(c) All requests for subpenas shall be supported by a showing of the general relevance and materiality of the evidence sought.

(d) Requests for subpenas shall be submitted in triplicate, but need not be served on the parties to the proceeding.

(e) Requests for issuance of a subpena ad testificandum to enforce a notice to take depositions shall be submitted in writing. Such requests may be submitted with the notice or at a later date. The request shall not be granted until the period for the filing of motions opposing the taking of depositions has expired or, if a motion has been filed, until that motion has been acted on. Regardless of the time when the subpena request is submitted, it need not be accompanied by a showing that relevant and material evidence will be adduced, but merely that the person will be examined regarding a nonprivileged matter which is relevant to the hearing issues. The subpena request may ask that a subpena duces tecum be contemporaneously issued commanding the person to whom it is directed to produce designated books, papers, documents, or tangible things which constitute or contain evidence relating to any of the matters within the scope of the examination permitted by § 1.311(b) but in that event the subpena request will be subject to the provisions of § 1.313 and paragraph (b) of this section.

(f) Requests for issuance of a subpena duces tecum to enforce an order for the production of documents and things for inspection and copying under § 1.325 may be submitted with the motion requesting the issuance of such an order. Regardless of the time when the subpena request is submitted, it need not be accompanied by a showing that relevant and material evidence will be adduced, but merely that the documents and things to be examined contain nonprivileged matter which is relevant to the subject matter of the proceeding.

[28 FR 12425, Nov. 22, 1963, as amended 33 FR 466, Jan. 12, 1968; 47 FR 51873, No 18, 1982]

§ 1.334 Motions to quash.

Any person against whom a subpe is directed may file a motion to qu or limit the subpena, setting forth t reasons why the subpena should n be complied with or why it should be limited in scope.

§ 1.335 Rulings.

Prompt notice, including a brief statement of the reasons therefor, will be given of the denial, in whole or in part, of a request for subpena or of a motion to quash.

§ 1.336 Service of subpenas.

(a) A subpena may be served by a United States marshal or his deputy, by Commission personnel, or by any person who is not a party to the proceeding and is not less than 18 years of age.

(b) Service of a subpena upon the person named therein shall be made by exhibiting the original subpena to him, by reading the original subpena to him if he is unable to read, by delivering the duplicate subpena to him, and by tendering to him the fees for one day's attendance at the proceeding to which he is summoned and the mileage allowed by law. If the subpena is issued on behalf of the United States or an officer or agency thereof, attendance fees and mileage need not be tendered.

§ 1.337 Return of service.

(a) If service of the subpena is made by a person other than a United States marshal or his deputy such person shall make affidavit thereof, stating the date, time, and manner of service.

(b) In case of failure to make service, the reasons for the failure shall be stated on the original subpena by the person who attempted to make service.

(c) The original subpena, bearing or accompanied by the required return affidavit or statement, shall be returned forthwith to the Secretary of the Commission or, if so directed on the subpena, to the official before whom the person named in the subpena is required to appear.

§ 1.338 Subpena forms.

(a) Subpena forms, marked "Original", "Duplicate", and "Triplicate", and bearing the Commission's seal, may be obtained from the Commission's Dockets Division. These forms are to be completed and submitted with any request for issuance of a subpena.

(b) If the request for issuance of a subpena is granted, the "Original" and "Duplicate" copies of the subpena are returned to the person who submitted the request. The "Triplicate" copy is retained for the Commission's files.

(c) The "Original" copy of the subpena includes a form for proof of service. This form is to be executed by the person who effects service and returned by him to the Secretary of the Commission or, if so directed on the subpena, to the official before whom the person named in the subpena is required to appear.

(d) The "Duplicate" copy of the subpena shall be served upon the person named therein and retained by him. This copy should be presented in support of any claim for witness fees or mileage allowances for testimony on behalf of the Commission.

§ 1.339 Witness fees.

Witnesses who are subpenaed and respond thereto are entitled to the same fees, including mileage, as are paid for like service in the courts of the United States. Fees shall be paid by the party at whose instance the testimony is taken.

§ 1.340 Attendance of witness; disobedience.

The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpena, the Commission or any party to a proceeding before the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

EVIDENCE

§ 1.351 Rules of evidence.

Except as otherwise provided in this subpart, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal hearings. Such rules may be relaxed if the ends of justice will be better served by so doing.

§ 1.352 Cumulative evidence.

The introduction of cumulative evidence shall be avoided, and the number of witnesses that may be heard in behalf of a party on any issue may be limited.

§ 1.353 Further evidence during hearing.

At any stage of a hearing, the presiding officer may call for further evidence upon any issue and may require such evidence to be submitted by any party to the proceeding.

§ 1.354 Documents containing matter not material.

If material and relevant matter offered in evidence is embraced in a document containing other matter not material or relevant, and not intended to be put in evidence, such document will not be received, but the party offering the same shall present to other counsel, and to the presiding officer, the original document, together with true copies of such material and relevant matter taken therefrom, as it is desired to introduce. Upon presentation of such matter, material and relevant, in proper form, it may be received in evidence, and become a part of the record. Other counsel will be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant.

§ 1.355 Documents in foreign language.

Every document, exhibit, or other paper written in a language other than English, which shall be filed in any proceeding, or in response to any order, shall be filed in the language in which it is written together with an English translation thereof duly verified under oath to be a true translation. Each copy of every such document, exhibit, or other paper filed shall be accompanied by a separate copy of the translation.

§ 1.356 Copies of exhibits.

No document or exhibit, or part thereof, shall be received as, or admitted in, evidence unless offered in duplicate. In addition, when exhibits of a documentary character are to be offered in evidence, copies shall be furnished to other counsel unless the presiding officer otherwise directs.

§ 1.357 Mechanical reproductions as evidence.

Unless offered for the sole purpose of attempting to prove or demonstrate sound effect, mechanical or physical reproductions of sound waves shall not be admitted in evidence. Any party desiring to offer any matter alleged to be contained therein or thereupon shall have such matter typewritten on paper of the size prescribed by § 1.49, and the same shall be identified and offered in duplicate in the same manner as other exhibits.

§ 1.358 Tariffs as evidence.

In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity (tariff and page number) in such manner as to be readily identified, and may be received in evidence by reference subject to check with the original tariff schedules on file.

§ 1.359 Proof of official record; authentication of copy.

An official record or entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by the judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent, or by any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office.

§ 1.360 Proof of lack of record.

The absence of an official record or entry of a specified tenor in an official record may be evidenced by a written statement signed by an officer, or by his deputy, who would have custody of the official record, if it existed, that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as provided in § 1.359. Such statement and certificate are admissible as evidence that the records of his office contain no such record or entry.

§ 1.361 Other proof of official record.

Sections 1.359 and 1.360 do not prevent the proof of official records or of entry or lack of entry therein by any method authorized by any applicable statute or by the rules of evidence at common law.

§ 1.362 Production of statements.

After a witness is called and has given direct testimony in a hearing, and before he is excused, any party may move for the production of any statement of such witness, or part thereof, pertaining to his direct testimony, in possession of the party calling the witness, if such statement has been reduced to writing and signed or otherwise approved or adopted by the witness. Such motion shall be directed to the presiding officer. If the party declines to furnish the statement, the testimony of the witness pertaining to the requested statement shall be stricken.

[33 FR 466, Jan. 12, 1968]

§ 1.363 Introduction of statistical data.

(a) All statistical studies, offered in evidence in common carrier hearing proceedings, including but not limited to sample surveys, econometric analyses, and experiments, and those parts of other studies involving statistical methodology shall be described in a summary statement, with supplementary details added in appendices so as to give a comprehensive delineation of the assumptions made, the study plan utilized and the procedures undertaken. In the case of sample surveys, there shall be a clear description of the survey design, including the definition of the universe under study, the sampling frame, and the sampling units; an explanation of the method of selecting the sample and the characteristics measured or counted. In the case of econometric investigations, the econometric model shall be completely described and the reasons given for each assumption and statistical specification. The effects on the final results of changes in the assumptions should be made clear. When alternative models and variables have been employed, a record shall be kept of these alternative studies, so as to be available upon request. In the case of experimental analyses, a clear and complete description of the experimental design shall be set forth, including a specification of the controlled conditions and how the controls were realized. In addition, the methods of making observations and the adjustments, if any, to observed data shall be described. In the case of every kind of statistical study, the following items shall be set forth clearly: The formulas used for statistical estimates, standard errors and test statistics, the description of statistical tests, plus all related computations, computer programs and final results. Summary descriptions of input data shall be submitted. Upon request, the actual input data shall be made available.

(b) In the case of all studies and analyses offered in evidence in common carrier hearing proceedings, other than the kinds described in paragraph (a) of this section, there shall be a clear statement of the study plan, all relevant assumptions and a description of the techniques of data collection, estimation and/or testing. In addition, there shall be a clear statement of the facts and judgments upon which conclusions are based and a statement of the relative weights given to the various factors in arriving at each conclusion, together with an indication of the alternative courses of action considered. Lists of input data shall be made available upon request.

[35 FR 16254, Oct. 16, 1970]

§ 1.364 Testimony by speakerphone.

(a) If all parties to the proceeding consent and the presiding officer approves, the testimony of a witness may be taken by speakerphone.

(b) Documents used by the witness shall be made available to counsel by the party calling the witness in advance of the speakerphone testimony. The taking of testimony by speakerphone shall be subject to such other ground rules as the parties may agree upon.

[43 FR 33251, July 31, 1978]

Subpart C—Rulemaking Proceedings

AUTHORITY: 5 U.S.C. 553.

SOURCE: 28 FR 12432, Nov. 22, 1963, unless otherwise noted.

GENERAL

§ 1.399 Scope.

This subpart shall be applicable to notice and comment rulemakings proceedings conducted under 5 U.S.C. 553, and shall have no application to formal rulemaking (or rate making) proceedings unless the Commission directs that it shall govern the conduct of a particular proceeding.

[42 FR 25735, May 19, 1977]

§ 1.400 Definitions.

As used in this subpart, the term "party" refers to any person who participates in a proceeding by the timely filing of a petition for rule making, comments on a notice of proposed rule making, a petition for reconsideration, or responsive pleadings in the manner prescribed by this subpart. The term does not include those who submit letters, telegrams or other informal materials.

[41 FR 1287, Jan. 7, 1976]

PETITIONS AND RELATED PLEADINGS

§ 1.401 Petitions for rulemaking.

(a) Any interested person may petition for the issuance, amendment or repeal of a rule or regulation.

(b) The petition for rule making shall conform to the requirements of §§ 1.49, 1.52 and 1.419(b) (or § 1.420(e), if applicable), and shall be submitted or addressed to the Secretary, Federal Communications Commission, Washington, D.C. 20554.

(c) The petition shall set forth the text or substance of the proposed rule, amendment, or rule to be repealed, together with all facts, views, arguments and data deemed to support the action requested, and shall indicate how the interests of petitioner will be affected.

(d) Petitions for amendment of the FM Table of Assignments (§ 73.202 of this chapter) or the Television Table of Assignments (§ 73.606) shall be served by petitioner on any Commission licensee or permittee whose channel assignment would be changed by grant of the petition. The petition shall be accompanied by a certificate of service on such licensees or permittees. A draft Notice of Proposed Rul Making may be submitted with a petition for amendment of the FM or Television Table of Assignments.

(e) Petitions which are moot, prem ture, repetitive, frivolous, or whic plainly do not warrant consideratio by the Commission may be denied o dismissed without prejudice to the petitioner.

[28 FR 12432, Nov. 22, 1963, as amended 28 FR 14503, Dec. 31, 1963; 40 FR 533 Nov. 18, 1975; 45 FR 42621, June 25, 1980]

§ 1.403 Notice and availability.

All petitions for rulemaking (othe than petitions to amend the FM, Tel vision and Air-Ground Tables of A signments) meeting the requiremen of § 1.401 will be given a file numbe and promptly thereafter, a "Publ Notice" will be given (by means of Commission release entitled "Petiti for Rule Making Filed") as to the pe tion, file number, nature of the pr posal and date of filing. Petitions a available for public inspection at t

Commission's Docket Reference Room in Washington, D.C.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 60404, Dec. 9, 1981]

§ 1.405 Responses to petitions; replies.

Except for petitions to amend the FM Television or Air-Ground Tables of Assignments:

(a) Any interested person may file a statement in support of or in opposition to a petition for rule making prior to Commission action on the petition but not later than 30 days after "Public Notice", as provided for in § 1.403, is given of the filing of such a petition. Such a statement shall be accompanied by proof of service upon the petitioner on or prior to the date of filing in conformity with § 1.47 and shall conform in other aspects with the requirements of §§ 1.49, 1.52, and 1.419(b).

(b) Any interested person may file a reply to statements in support of or in opposition to a petition for rule making prior to Commission action on the petition but not later than 15 days after the filing of such a statement. Such a reply shall be accompanied by proof of service upon the party or parties filing the statement or statements to which the reply is directed on or prior to the date of filing in conformity with § 1.47 and shall conform in other aspects with the requirements of §§ 1.49, 1.52, and 1.419(b).

(c) No additional pleadings may be filed unless specifically requested by the Commission or authorized by it.

(d) The Commission may act on a petition for rule making at any time after the deadline for the filing of replies to statements in support of or in opposition to the petition. Statements in support of or in opposition to a petition for rule making, and replies thereto, shall not be filed after Commission action.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12413, Nov. 22, 1963, as amended at 28 FR 14503, Dec. 31, 1963; 45 FR 42621, June 25, 1980; 46 FR 60404, Dec. 9, 1981]

§ 1.407 Action on petitions.

If the Commission determines that the petition discloses sufficient reasons in support of the action requested to justify the institution of a rulemaking proceeding, and notice and public procedure thereon are required or deemed desirable by the Commission, an appropriate notice of proposed rule making will be issued. In those cases where notice and public procedure thereon are not required, the Commission may issue a final order amending the rules. In all other cases the petition for rule making will be denied and the petitioner will be notified of the Commission's action with the grounds therefor.

RULEMAKING PROCEEDINGS

§ 1.411 Commencement of rulemaking proceedings.

Rulemaking proceedings are commenced by the Commission, either on it own motion or on the basis of a petition for rulemaking. See §§ 1.401-1.407.

§ 1.412 Notice of proposed rulemaking.

(a) Except as provided in paragraphs (b) and (c) of this section, prior notice of proposed rulemaking will be given.

(1) Notice is ordinarily given by publication of a "Notice of Proposed Rule Making" in the FEDERAL REGISTER. A summary of the full decision adopted by the Commission constitutes a "Notice of Proposed Rulemaking" for purposes of FEDERAL REGISTER publication.

(2) If all persons subject to the proposed rules are named, the proposal may (in lieu of publication) be personally served upon those persons.

(3) If all persons subject to the proposed rules are named and have actual notice of the proposal as a matter of law, further prior notice of proposed rulemaking is not required.

(b) Rule changes (including adoption, amendment, or repeal of a rule or rules) relating to the following matters will ordinarily be adopted without prior notice:

(1) Any military, naval, or foreign affairs function of the United States.

(2) Any matter relating to Commission management or personnel or to public property, loans, grants, benefits, or contracts.

(3) Interpretative rules.

(4) General statements of policy.

(5) Rules of Commission organization, procedure, or practice.

(c) Rule changes may in addition be adopted without prior notice in any situation in which the Commission for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. The finding of good cause and a statement of the basis for that finding are in such situations published with the rule changes.

(d) In addition to the notice provisions of paragraph (a) of this section, the Commission, before prescribing any requirements as to accounts, records, or memoranda to be kept by carriers, will notify the appropriate State agencies having jurisdiction over any carrier involved of the proposed requirements.

[28 FR 12432, Nov. 22, 1963, as amended at 51 FR 7445, Mar. 4, 1986]

§ 1.413 Content of notice.

A notice of the proposed issuance, amendment, or repeal of a rule will include the following:

(a) A statement of the time, nature and place of any public rulemaking proceeding to be held.

(b) Reference to the authority under which the issuance, amendment or repeal of a rule is proposed.

(c) Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

(d) The docket number assigned to the proceeding.

(e) A statement of the time for filing comments and replies thereto.

§ 1.415 Comments and replies.

(a) After notice of proposed rulemaking is issued, the Commission will afford interested persons an opportunity to participate in the rulemaking proceeding through submission of written data, views, or arguments, with or without opportunity to present the same orally in any manner.

(b) A reasonable time will be provided for submission of comments in support of or in opposition to proposed rules, and the time provided will be specified in the notice of proposed rulemaking.

(c) A reasonable time will be provided for filing comments in reply to the original comments, and the time provided will be specified in the notice of proposed rulemaking.

(d) No additional comments may be filed unless specifically requested or authorized by the Commission.

NOTE: In some (but not all) rulemaking proceedings, interested persons may also communicate with the Commission and its staff on an ex parte basis, provided certain procedures are followed. See §§ 1.420and 1.1200 *et seq*. See also —— FCC 2d — (1980) (*i.e.*, this order).

(e) For time limits for filing motions for extension of time for filing responses to petitions for rulemaking, replies to such responses, comments filed in response to notices of proposed rulemaking, replies to such comments, see § 1.46(b).

[28 FR 12432, Nov. 22, 1963, as amended at 42 FR 28888, June 6, 1977; 45 FR 45591, July 7, 1980; 52 FR 37460, Oct. 7, 1987]

§ 1.419 Form of comments and replies; number of copies.

(a) Comments, replies, and other documents filed in a rulemaking proceeding shall conform to the requirements of § 1.49.

(b) An original and 4 copies of a comments, briefs and other documen filed in a rulemaking proceeding shal be furnished the Commission. The di tribution of such copies shall be as fo lows:

Secretary (original and 1) ....

Bureau ....

Information office ....

Total ....

Participants filing the required copies who also wish each Comm sioner to have a personal copy of t comments may file an additional copies. The distribution of such cop shall be as follows:

Commissioners	5
Secretary	2
Bureau	2
Information office	1
Total	10

However, members of the general public who wish to express their interest by participating informally in a rulemaking proceeding may do so by submitting an original and one copy of their comments, without regard to form, provided only that the Docket Number is specified in the heading. Informal comments filed after close of the reply comment period, or, if on reconsideration, the reconsideration reply comment period, should be labeled "ex parte" pursuant to section 1.1206(a) of this Chapter. Letters submitted to Commissioners or Commission staff will be treated in the same way as informal comments, as set forth above. Also such informal participants who wish the responsible members of the staff and the Commissioners to have personal copies may file an additional 7 copies. The distribution of such copies shall be as follows:

Commissioners	5
Secretary	2
Bureau	2
Total	9

(c) Any person desiring to file identical documents in more than one docketed rulemaking proceeding shall furnish the Commission two additional copies of any such document for each additional docket. This requirement does not apply if the proceedings have been consolidated.

[28 FR 12432, Nov. 22, 1963, as amended at 41 FR 50399, Nov. 16, 1976; 50 FR 26567, June 27, 1985; 54 FR 29037, July 11, 1989]

§ 1.420 Additional procedures in proceedings for amendment of the FM, TV or Air-Ground Table of Allotments.

(a) Comments filed in proceedings for amendment of the FM Table of Allotments (47 CFR 73.202), the Television Table of Allotments (47 CFR 73.606), or the Table of Allotments for Air-Ground Stations in the Domestic Public Land Mobile Radio Service (47 CFR 22.521) which are initiated on a petition for rulemaking shall be served on petitioner by the person who files the comments.

(b) Reply comments filed in proceedings for amendment of the FM, Television or Air-Ground Tables of Allotments shall be served on the person(s) who filed the comments to which the reply is directed.

(c) Such comments and reply comments shall be accompanied by a certificate of service.

(d) Counterproposals shall be advanced in initial comments only and will not be considered if they are advanced in reply comments.

(e) An original and 4 copies of all petitions for rulemaking, comments, reply comments, and other pleadings shall be filed with the Commission.

(f) Petitions for reconsideration and responsive pleadings shall be served on parties to the proceeding and on any licensee or permittee whose authorization may be modified to specify operation on a different channel, and shall be accompanied by a certificate of service. The filing of a petition for reconsideration of an order modifying an authorization to specify operation on a different channel shall stay the effect of a change in the rules pending action on the petition.

(g) The Commission may modify the license or permit of an FM station to another class of channel or of a UHF TV station to a VHF channel in the same community in the course of the rule making proceeding to amend § 73.202(b), § 73.504(a) or § 73.606(b) if any of the following conditions are met:

(1) There is no other timely filed expression of interest, or

(2) If another interest in the proposed channel is timely filed an additional equivalent class of channel is also allotted, assigned or available for application, or

(3) With respect to FM, the modification of license or permit would occur on a mutually exclusive higher class adjacent or co-channel.

(h) Where licensees (or permittees) of television broadcast stations jointly petition to amend § 73.606(b) and to exchange channels, and where one of the licensees (or permittees) operates on a commercial channel while the other operates on a reserved noncommercial educational channel within the same band, and the stations serve substantially the same market, then the Commission may amend § 73.606(b) and modify the licenses (or permits) of the petitioners to specify operation on the appropriate channels upon a finding that such action will promote the public interest, convenience, and necessity.

NOTE: Licensees and permittees operating Class A FM stations who seek to upgrade their facilities to Class B1, B, C3, C2, C1, or C on Channel 221, and whose proposed 1 mV/m signal contours would overlap the Grade B contour of a television station operating on Channel 6 must meet a particularly heavy burden by demonstrating that grants of their upgrade requests are in the public interest. In this regard, the Commission will examine the record in rule making proceedings to determine the availability of existing and potential non-commercial education service.

(i) In the course of the rule making proceeding to amend § 73.202(b) or § 73.606(b), the Commission may modify the license or permit of an FM or television broadcast station to specify a new community of license where the amended allotment would be mutually exclusive with the licensee's or permittee's present assignment.

(j) Whenever an expression of interest in applying for, constructing, and operating a station has been filed in a proceeding to amend the FM or TV Table of Allotments, and the filing party seeks to dismiss or withdraw the expression of interest, either unilaterally or in exchange for financial consideration, that party must file with the Commission a request for approval of the dismissal or withdrawal, a copy of any written agreement related to the dismissal or withdrawal, and an affidavit setting forth:

(1) A certification that neither the party withdrawing its interest nor its principals has received or will receive any money or other consideration in excess of legitimate and prudent expenses in exchange for the dismissal or withdrawal of the expression of interest;

(2) The exact nature and amount of any consideration received or promised;

(3) An itemized accounting of the expenses for which it seeks reimbursement; and

(4) The terms of any oral agreement related to the dismissal or withdrawal of the expression of interest.

(5) In addition, within 5 days of a party's request for approval, each remaining party to any written or oral agreement must submit an affidavit setting forth:

(i) A certification that neither it nor its principals has paid or will pay money or other consideration in excess of the legitimate and prudent expenses of the party withdrawing its expression of interest; and

(ii) The terms of any oral agreement relating to the dismissal or withdrawal of the expression of interest.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[39 FR 44022, Dec. 20, 1974, as amended at 40 FR 53391, Nov. 18, 1975; 41 FR 1287, Jan. 7, 1976; 51 FR 15629, Apr. 25, 1986; 51 FR 20291, June 4, 1986; 52 FR 8260, Mar. 17, 1987; 52 FR 25866, July 9, 1987; 54 FR 16366, Apr. 24, 1989; 54 FR 26201, June 22, 1989; 55 FR 28914, July 16, 1990]

EFFECTIVE DATE NOTE: At 55 FR 28914, July 16, 1990, § 1.420 was amended by adding paragraph (j), effective October 1, 1990.

§ 1.421 Further notice of rulemaking.

In any rulemaking proceeding wher the Commission deems it warranted, further notice of proposed rulemakin will be issued with opportunity fo parties of record and other intereste persons to submit comments in co formity with §§ 1.415 and 1.419.

§ 1.423 Oral argument and other procee ings.

In any rulemaking proceeding whe the Commission determines that oral argument, hearing or any oth type of proceeding is warranted, noti of the time, place and nature of su proceeding will be published in t FEDERAL REGISTER and will be mai to all parties to the proceeding.

§ 1.425 Commission action.

The Commission will consider all relevant comments and material of record before taking final action in a rulemaking proceeding and will issue a decision incorporating its finding and a brief statement of the reasons therefor.

§ 1.427 Effective date of rules.

(a) Any rule issued by the Commission will be made effective not less than 30 days from the time it is published in the FEDERAL REGISTER except as otherwise specified in paragraphs (b) and (c) of this section.

(b) For good cause found and published with the rule, any rule issued by the Commission may be made effective within less than 30 days from the time it is published in the FEDERAL REGISTER. Rules involving any military, naval or foreign affairs function of the United States; matters relating to agency management or personnel, public property, loans, grants, benefits or contracts; rules granting or recognizing exemption or relieving restriction; rules of organization, procedure or practice; or interpretative rules; and statements of policy may be made effective without regard to the 30-day requirement.

(c) In cases of alterations by the Commission in the required manner or form of keeping accounts by carriers, notice will be served upon affected carriers not less than 6 months prior to the effective date of such alterations.

§ 1.429 Petition for reconsideration.

(a) Any interested person may petition for reconsideration of a final action in a proceeding conducted under this subpart (see §§ 1.407 and 1.425). Where the action was taken by the Commission, the petition will be acted on by the Commission. Where action was taken by a staff official under delegated authority, the petition may be acted on by the staff official or referred to the Commission for action.

NOTE: The staff has been authorized to act on rulemaking proceedings described in § 1.420 and is authorized to make editorial changes in the rules (see § 0.231(d)).

(b) A petition for reconsideration which relies on facts which have not previously been presented to the Commission will be granted only under the following circumstances:

(1) The facts relied on relate to events which have occurred or circumstances which have changed since the last opportunity to present them to the Commission;

(2) The facts relied on were unknown to petitioner until after his last opportunity to present them to the Commission, and he could not through the exercise of ordinary diligence have learned of the facts in question prior to such opportunity; or

(3) The Commission determines that consideration of the facts relied on is required in the public interest.

(c) The petition for reconsideration shall state with particularity the respects in which petitioner believes the action taken should be changed.

(d) The petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of public notice of such action, as that date is defined in § 1.4(b) of these rules. No supplement to a petition for reconsideration filed after expiration of the 30 day period will be considered, except upon leave granted pursuant to a separate pleading stating the grounds for acceptance of the supplement. The petition for reconsideration shall not exceed 25 double-spaced typewritten pages.

(e) Except as provided in § 1.420(f), petitions for reconsideration need not be served on parties to the proceeding. (However, where the number of parties is relatively small, the Commission encourages the service of petitions for reconsideration and other pleadings, and agreements among parties to exchange copies of pleadings.) When a petition for reconsideration is timely filed in proper form, public notice of its filing is published in the FEDERAL REGISTER. The time for filing oppositions to the petition runs from the date of public notice. *See* § 1.4(b).

(f) Oppositions to a petition for reconsideration shall be filed within 15 days after the date of public notice of the petition's filing and need be served only on the person who filed the petition. *See* § 1.4(b). Oppositions shall not exceed 25 double-spaced typewritten pages.

(g) Replies to an opposition shall be filed within 10 days after the time for filing oppositions has expired and need be served only on the person who filed the opposition. Replies shall not exceed 10 double-spaced typewritten pages.

(h) Petitions for reconsideration, oppositions and replies shall conform to the requirements of §§ 1.49 and 1.52, except that they need not be verified. Except as provided in § 1.420(e), an original and 11 copies shall be submitted to the Secretary, Federal Communications Commission, Washington, D.C. 20554.

(i) The Commission may grant the petition for reconsideration in whole or in part or may deny the petition. Its order will contain a concise statement of the reasons for the action taken. Any order disposing of a petition for reconsideration which modifies rules adopted by the original order is, to the extent of such modification, subject to reconsideration in the same manner as the original order. Except in such circumstance, a second petition for reconsideration may be dismissed by the staff as repetitious.

(j) The filing of a petition for reconsideration is not a condition precedent to judicial review of any action taken by the Commission, except where the person seeking such review was not a party to the proceeding resulting in the action or relies on questions of fact or law upon which the Commission has been afforded no opportunity to pass. Subject to the provisions of paragraph (b) of this section, such a person may qualify to seek judicial review by filing a petition for reconsideration.

(k) Without special order of the Commission, the filing of a petition for reconsideration shall not excuse any person from complying with any rule or operate in any manner to stay or postpone its enforcement. However, upon good cause shown, the Commission will stay the effective date of a rule pending a decision on a petition for reconsideration. See, however, § 1.420(f).

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[41 FR 1287, Jan. 7, 1976, as amended at 44 FR 5436, Jan. 26, 1979; 46 FR 18556, Mar. 25, 1981; 52 FR 49161, Dec. 30, 1987]

INQUIRIES

§ 1.430 Proceedings on a notice of inquiry.

The provisions of this subpart also govern proceedings commenced by issuing a "Notice of Inquiry," except that such proceedings do not result in the adoption of rules, and Notices of Inquiry are not required to be published in the FEDERAL REGISTER.

[51 FR 7445, Mar. 4, 1986]

Subpart D—Broadcast Applications and Proceedings

SOURCE: 44 FR 38483, July 2, 1979, unless otherwise noted.

§ 1.502 Emergency Broadcast Authorizations.

See § 73.913.

GENERAL FILING REQUIREMENTS

§ 1.511 Applications required.

See § 73.3511.

§ 1.512 Where to file; number of copies.

See § 73.3512.

§ 1.513 Who may sign applications.

See § 73.3513.

§ 1.514 Content of applications.

See § 73.3514.

§ 1.516 Specification of facilities.

See § 73.3516.

§ 1.517 Contingent applications.

See § 73.3517.

§ 1.518 Inconsistent or conflicting applications.

See § 73.3518.

§ 1.519 Repetitious applications.

See § 73.3519.

§ 1.520 Multiple applications.

See § 73.3520.

§ 1.522 Amendment of applications.

See § 73.3522.

§ 1.525 Agreements between parties for amendment or dismissal of, or failure to prosecute, broadcast applications.

See § 73.3525.

§ 1.526 Records to be maintained locally for public inspection by commercial applicants, permittees and licensees.

See § 73.3526.

§ 1.527 Records to be maintained locally for public inspection by noncommercial educational applicants, permittees and licensees.

See § 73.3527.

§ 1.531 Formal and informal applications.

See § 73.3511.

§ 1.533 Application forms for authority to construct a new station or make changes in an existing station.

See § 73.3533.

§ 1.534 Application for extension of construction permit or for construction permit to replace expired construction permit.

See § 73.3534.

§ 1.536 Application for license to cover construction permit.

See § 73.3536.

§ 1.538 Application for modification of license.

See § 73.3538.

§ 1.539 Application for renewal of license.

See § 73.3539.

§ 1.540 Application for voluntary assignment or transfer of control.

See § 73.3540.

§ 1.541 Application for involuntary assignment of license or transfer of control.

See § 73.3541.

§ 1.542 Application for temporary authorization.

See § 73.3542.

§ 1.543 Application for renewal or modification of special service authorization.

See § 73.3543.

§ 1.544 Application for broadcast station to conduct field strength measurements and for experimental operation.

See §§ 73.157 and 73.1510.

§ 1.545 Application for permit to deliver programs to foreign countries.

See § 73.3545.

§ 1.546 Application to determine operating power by direct measurement of antenna power.

See § 73.45.

§ 1.549 Requests for extension of authority to operate without required monitors, indicating instruments, and EBS Attention Signal devices.

See § 73.3549.

§ 1.550 Requests for new or modified call sign assignments.

See § 73.3550.

§ 1.561 Staff consideration of applications which receive action by the Commission.

See § 73.3561.

§ 1.562 Staff consideration of applications which do not require action by the Commission.

See § 73.3562.

§ 1.564 Acceptance of applications.

See § 73.3564.

§ 1.566 Defective applications.

See § 73.3566.

§ 1.568 Dismissal of applications.

See § 73.3568.

§ 1.570 AM broadcast station applications involving other North American countries.

See § 73.3570.

§ 1.571 Processing AM broadcast station applications.

See § 73.3571.

§ 1.572 Processing TV broadcast and translator station applications.

See § 73.3572.

§ 1.573 Processing FM broadcast and translator station applications.

See § 73.3573.

§ 1.574 Processing of international broadcast station applications.

See § 73.3574.

§ 1.578 Amendments to applications for renewal, assignment or transfer of control.

See § 73.3578.

§ 1.580 Local public notice of filing of broadcast applications.

See § 73.3580.

§ 1.584 Petitions to deny.

See § 73.3584.

§ 1.587 Procedure for filing informal applications.

See § 73.3587.

§ 1.591 Grants without hearing.

See § 73.3591.

§ 1.592 Conditional grant.

See § 73.3592.

§ 1.593 Designation for hearing.

See § 73.3593.

§ 1.594 Local public notice of designation for hearing.

See § 73.3594.

§ 1.597 Procedures on transfer and assignment applications.

See § 73.3597.

§ 1.598 Period of construction.

See § 73.3598.

§ 1.599 Forfeiture of construction permit.

See § 73.3599.

§ 1.601 Simultaneous modification and renewal of license.

See § 73.3601.

§ 1.603 Special waiver procedure relative to applications.

See § 73.3603.

**§ 1.605 Retention of applications in he
ing status after designation for he
ing.**

See § 73.3605.

§ 1.612 Annual employment report.

See § 73.3612.

§ 1.613 Filing of contracts.

See § 73.3613.

§ 1.615 Ownership reports.

See § 73.3615.

Subpart E—Complaints, Applicatio
Tariffs, and Reports Involvi
Common Carriers

SOURCE: 28 FR 12450, Nov. 22, 1963, un
otherwise noted.

GENERAL

§ 1.701 Show cause orders.

(a) The Commission may comme
any proceeding within its jurisdic
against any common carrier by ser
upon the carrier an order to s
cause. The order shall contain a st
ment of the particulars and mat
concerning which the Commissio
inquiring and the reasons for s
action, and will call upon the ca
to appear before the Commission
place and time therein stated and
evidence upon the matters specifie
the order.

(b) Any carrier upon whom an o
has been served under this se
shall file its answer within the
specified in the order. Such an
shall specifically and complete
spond to all allegations and ma
contained in the show cause order

(c) All papers filed by a carrier
proceeding under this section
conform with the specificatio
§§ 1.49 and 1.50 and the subscri
and verification requirements of §

[28 FR 12450, Nov. 22, 1963, as amen
36 FR 7423, Apr. 20, 1971]

§ 1.703 Appearances.

(a) *Hearings.* Except as otherwi
quired by § 1.221 regarding applic
proceedings, by § 1.91 regarding
ceedings instituted under sectio

of the Communications Act of 1934, as amended, or by Commission order in any proceeding, no written statement indicating intent to appear need be filed in advance of actual appearance at any hearing by any person or his attorney.

(b) *Oral arguments.* Within 5 days after release of an order designating an initial decision for oral argument or within such other time as may be specified in the order, any party who wishes to participate in the oral argument shall file a written statement indicating that he will appear and participate. Within such time as may be specified in an order designating any other matter for oral argument, any person wishing to participate in the The Commission will advise him whether he may participate. (See § 1.277 for penalties for failure to file appearance statements in proceedings involving oral arguments on initial decisions.)

(c) *Commission counsel.* The requirement of paragraph (b) of this section shall not apply to counsel representing the Commission or the Chief of the Common Carrier Bureau.

COMPLAINTS

§ 1.711 Formal or informal complaints.

Complaints filed against carriers under section 208 of the Communications Act may be either formal or informal.

INFORMAL COMPLAINTS

§ 1.716 Form.

An informal complaint shall be in writing and should contain: (a) The name, address and telephone number of the complaint, (b) the name of the carrier against which the complaint is made, (c) a complete statement of the facts tending to show that such carrier did or omitted to do anything in contravention of the Communications Act, and (d) the specific relief of satisfaction sought.

[51 FR 16039, Apr. 30, 1986]

§ 1.717 Procedure.

The Commission will forward informal complaints to the appropriate carrier for investigation. The carrier will, within such time as may be prescribed, advise the Commission in writing, with a copy to the complainant, of its satisfaction of the complaint or of its refusal or inability to do so. Where there are clear indications from the carrier's report or from other communications with the parties that the complaint has been satisfied, the Commission may, in its discretion, consider a complaint proceeding to be closed, without response to the complainant. In all other cases, the Commission will contact the complainant regarding its review and disposition of the matters raised. If the complainant is not satisfied by the carrier's response and the Commission's disposition, it may file a formal complaint in accordance with § 1.721 of this part.

[51 FR 16039, Apr. 30, 1986]

§ 1.718 Unsatisfied informal complaints; formal complaints relating back to the filing dates of informal complaints.

When an informal complaint has not been satisfied pursuant to § 1.717, the complainant may file a formal complaint with this Commission in the form specified in § 1.721. Such filing will be deemed to relate back to the filing date of the informal complaint: *Provided,* That the formal complaint: (a) Is filed within 6 months from the date of the carrier's report, (b) makes reference to the date of the informal complaint, and (c) is based on the same cause of action as the informal complaint. If no formal complaint is filed within the 6-month period, the complainant will be deemed to have abandoned the unsatisfied informal complaint.

[51 FR 16040, Apr. 30, 1986]

FORMAL COMPLAINTS

§ 1.720 General pleading requirements.

Formal complaint proceedings are generally resolved on a written record consisting of a complaint, answer and reply but may also include other written submissions such as briefs and written interrogatories. All written submissions, both substantive and procedural, must conform to the following standards:

(a) Pleadings must be clear, concise, and explicit. All matters concerning a claim, defense or requested remedy, including damages, should be pleaded fully and with specificity.

(b) Pleadings must contain facts which, if true, are sufficient to constitute a violation of the Act or Commission order or regulation, or a defense to such alleged violation.

(c) Facts must be supported by relevant documentation or affidavit.

(d) Legal arguments must be supported by appropriate judicial, Commission, or statutory authority.

(e) Opposing authorities must be distinguished.

(f) Copies must be provided of all non-Commission authorities relied upon which are not routinely available in national reporting systems, such as unpublished decisions or slip opinions of courts or administrative agencies.

(g) Parties are responsible for the continuing accuracy and completeness of all information and supporting authority furnished in a pending complaint proceeding. Information submitted, as well as relevant legal authorities, must be current and updated as necessary and in a timely manner at any time before a decision is rendered on the merits of the complaint.

(h) Specific reference must be made to any tariff provision relied on in support of a claim or defense. Parties are encouraged to provide copies of the tariff or relevant portions thereof.

[53 FR 11852, Apr. 11, 1988]

§ 1.721 Format and content.

(a) A formal complaint shall contain:

(1) The name of each complainant and defendant;

(2) The occupation, address and telephone number of each complainant and, to the extent known, each defendant;

(3) The name, address, and telephone number of complainant's attorney, if represented by counsel;

(4) Citation to the section of the Communications Act and/or order and/or regulation of the Commission alleged to have been violated.

(5) A complete statement of facts which, if proven true, would constitute such a violation;

(6) Complete identification or description, including relevant time period, of the communications, transmissions, services, or other carrier conduct complained of and nature of the injury sustained;

(7) The relief sought, including recovery of damages and the amount of damages claimed, if known; and

(8) Whether suit has been filed in any court or other government agency on the basis of the same cause of action.

(b) The following format may be used in cases to which it is applicable, with such modifications as the circumstances may render necessary:

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, DC 20554

In the matter of

____

Complainant,

v.

____

Defendant.

File No. (To be inserted by the Common Carrier Bureau)

Complaint

To: The Commission.

The complainant (here insert full name of each complainant and, if a corporation, the corporate title of such complainant) shows that:

1. (Here state occupation, post office address, and telephone number of each complainant).

2. (Here insert the name, occupation and to the extent known, address and telephone number of defendants).

3. (Here insert fully and clearly the specific act or thing complained of, together with such facts as are necessary to give a full understanding of the matter, including relevant legal and documentary support).

Wherefore, complainant asks (here state specifically the relief desired).

____

(Date)

____

(Name of each complainant)

____

(Name, address, and telephone number of attorney, if any)

[53 FR 11853, Apr. 11, 1988]

§ 1.722 Damages.

(a) In case recovery of damages is sought, the complaint shall contain appropriate allegations showing such evidence that will identify, with reasonable certainty, the amount of damages for which recovery is sought.

(b) Damages will not be awarded upon a complaint unless specifically requested. Damages may be awarded, however, upon a supplemental complaint based upon a finding of the Commission in the original proceeding. *Provided that:*

(1) If recovery of damages or overcharges is first sought by supplemental complaint, such supplemental complaint must be filed within, and recovery is limited to, the statutory periods of limitations contained in section 415 of the Communications Act;

(2) A claim for recovery of damages contained in a supplemental complaint based on a finding of the Commission in the original proceeding which meets the requirements of paragraph (a) of this section shall relate back to the filing date of the original formal complaint if:

(i) The original complaint clearly and unequivocally requests the recovery of damages (even if the precise amount and other specific details are unknown), and

(ii) Such supplemental complaint is filed no later than 60 days after public notice (as defined in § 1.4(b) of the rules) of a decision on the merits of the original complaint.

[53 FR 11853, Apr. 11, 1988]

§ 1.723 Joinder of complainants and causes of action.

(a) Two or more complainants may join in one complaint if their respective causes of action are against the same defendant and concern substantially the same facts and alleged violation of the Communications Act.

(b) Two or more grounds of complaint involving the same principle, subject, or statement of facts may be included in one complaint, but should be separately stated and numbered.

[53 FR 11853, Apr. 11, 1988]

§ 1.724 Answers.

(a) Any carrier upon which a copy of a formal complaint, supplemental complaint, amended complaint, or cross complaint is served under this subpart shall answer within 30 days of service of the pleading to which the answer is made, unless otherwise directed by the Commission.

(b) The answer shall advise the parties and the Commission fully and completely of the nature of any defense, and shall respond specifically to all material allegations of the complaint. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the issues. Any party failing to file and serve an answer within the time and in the manner prescribed by these rules may be deemed in default and an order may be entered against defendant in accordance with the allegations contained in the complaint.

(c) A party shall state concisely its defenses to each claim asserted and shall admit or deny the averments on which the adverse party relies. If the party is without knowledge or information sufficient to form a belief as to the truth of an averment, the party shall so state and this has the effect of a denial. When a pleader intends in good faith to deny only part of an averment, the pleader shall specify so much of it as is true and shall deny only the remainder. The pleader may make its denials as specific denials of designated averments or paragraphs, or may generally deny all the averments except such designated averments or paragraphs as the pleader expressly admits. When the pleader intends to controvert all averments, the pleader may do so by general denial.

(d) Averments in a pleading to which a responsive pleading is required, other than those as to the amount of damages, are deemed to be admitted when not denied in this responsive pleading.

[53 FR 11853, Apr. 11, 1988]

§ 1.725 Cross complaints.

A cross complaint, seeking any relief within the jurisdiction of the Commission against any carrier which is a party (complainant or defendant) to the proceeding, may be filed by a defendant with its answer. For the purpose of this subpart, the term "cross complaint" shall include counterclaim.

[53 FR 11854, Apr. 11, 1988]

§ 1.726 Replies.

Within 10 days after service of an answer, a complainant may file and serve a reply which shall be responsive to matters contained in the answer or amended answer and shall not contain new matters. Failure to reply will not be deemed an admission of any allegations contained in the answer, except with respect to any affirmative defenses set forth therein.

[53 FR 11854, Apr. 11, 1988]

§ 1.727 Motions.

(a) A request to the Commission for an order shall be by written motion, stating with particularly the grounds and authority therefor, and setting forth the relief or order sought.

(b) A motion that the allegations in the complaint be made more definite and certain shall be filed within 15 days after service of a complaint by the Commission.

(c) Where the matter involved in the motion is one of procedure or discovery, the moving party shall provide a proposed order for adoption, which appropriately incorporates the basis therefor.

(d) A party opposing any motion concerning procedure or discovery shall also provide a proposed order for adoption, which appropriately incorporates the basis therefor.

(e) Oppositions and replies to oppositions shall be filed in accordance with the pleading and filing period requirements of § 1.45 (a) and (b).

[53 FR 11854, Apr. 11, 1988]

§ 1.728 Formal complaints not stating a cause of action; defective pleadings.

(a) Any document purporting to be a formal complaint which does not state a cause of action under the Communications Act will be dismissed. In such case, any amendment or supplement to such document will be considered a new filing which must be made within the statutory periods of limitations of actions contained in section 415 of the Communications Act.

(b) Any other pleading filed in a formal complaint proceeding not in conformity with the requirements of the applicable rules in this part may be deemed defective. In such case the Commission may strike the pleading or request that specified defects be corrected and that proper pleadings be filed with the Commission and served on all parties within a prescribed time as a condition to being made a part of the record in the proceeding.

[53 FR 11854, Apr. 11, 1988]

§ 1.729 Interrogatories to parties.

(a) During the time period beginning with service of the complaint and ending 30 days after the date a reply is due to be filed, any party may serve any other party written interrogatories, to be answered in writing by the party served or, if the party served is a public or private corporation or partnership or association, by any officer or agent who shall furnish such information as is available to the party. Parties shall propound no more than 30 single interrogatories without prior Commission approval. Subparts of an interrogatory will be counted as separate interrogatories for purposes of compliance with this limit. This procedure may be used for the discovery of any nonprivileged matter which is relevant to the pleadings. Interrogatories may not be employed for the purpose of delay, harassment or to obtain information which is beyond the scope of permissible inquiry relating to the subject matter of the pleadings.

(b) Parties on whom interrogatories are served shall respond without waiting to be ordered to do so by the Commission. Each interrogatory shall b answered separately and fully in writing under oath or affirmation, unles it is objected to, in which event th reasons for objection shall be stated i lieu of an answer. The answers sha be signed by the person making them The party on whom the interrogat ries were served shall serve a copy the answers and objections, if an within 30 days after service of the i terrogatories, except that a defendar may serve answers or objectio within 15 days after filing its answe to the complaint, whichever period longer. On proper motion being mad the Commission may allow a short or longer time for the filing of answers or objections.

(c) Where the responding party has failed to respond, or has objected, to any interrogatory, the party propounding the interrogatories may, within 15 days of the date the response was due if no response is filed or the date of service of the objection, move to compel a response thereto. The motion should state with specificity the relevance of and necessity for the requested information and must also comply with the requirements of § 1.727 of this part pertaining to motions generally. Alternatively, the party may request that answers to interrogatories be discussed during a status conference, pursuant to § 1.732 hereof.

(d) Interrogatories and responses or objections thereto must be filed with the Commission in accordance with § 1.734.

[53 FR 11854, Apr. 11, 1988]

§ 1.730 Other forms of discovery.

(a) If a party believes it needs to engage in some form of discovery other than by written interrogatories under § 1.729, including but not limited to the production of documents, the taking of depositions, or the propounding of additional interrogatories, the party may file a motion with the Commission requesting that such discovery be permitted. The motion should state with specificity the type of discovery requested, the information which is expected to be elicited, the relevance of such information to the resolution of the proceeding, and must also comply with the requirements of § 1.727 hereof, pertaining to motions generally. Such motions will not be routinely granted except for good cause shown.

(b) The party from whom the discovery is sought may file an opposition to a motion seeking discovery within 10 days after the motion is filed. No reply is permitted.

(c) Motions seeking discovery may be filed only during the period beginning with the filing of the complaint and ending 30 days after the date a reply is due to be filed or 30 days after responses to interrogatories under § 1.729 are filed, whichever period is longer, except where the movant demonstrates that the need for such discovery could not, even with due diligence, have been ascertained within this period.

[53 FR 11854, Apr. 11, 1988]

§ 1.731 Other required written submissions.

(a) The Commission may, in its discretion, require the parties to file briefs summarizing the facts and issues presented in the pleadings and other record evidence. These briefs shall contain the findings of fact and conclusions of law which that party is urging the Commission to adopt, with specific citation to the record, and supported by relevant authority and analysis.

(b) The Commission may require the parties to submit any additional information it deems appropriate for a full, fair, and expeditious resolution of the proceeding, including affidavits and exhibits.

[53 FR 11855, Apr. 11, 1988]

§ 1.732 Status conference.

(a) In any complaint proceeding, the Commission may in its discretion direct the attorneys and/or the parties to appear before it for a conference to consider:

(1) Simplification or narrowing of the issues;

(2) The necessity for or desirability of amendments to the pleadings, or of additional pleadings or evidentiary submissions;

(3) Obtaining admissions of fact or stipulations between the parties as to any or all of the matters in controversy;

(4) Settlement of the matters in controversy by agreement of the parties;

(5) The necessity for and extent of discovery;

(6) The need and schedule for filing briefs, and the date for further conferences; and

(7) Such other matters that may aid in the disposition of the complaint.

(b) While a conference normally will be scheduled after the reply has been filed, or after the filing date for replies if no reply has been filed, any party may request that a conference be held at any time after the complaint has been filed.

(c) Conferences will be scheduled by the Commission at such time and place as it may designate, to be conducted in person or by telephone conference call.

(d) The failure of any attorney or party, following reasonable notice, to appear at a scheduled conference will be deemed a waiver and will not preclude the Commission from conferring with those parties or counsel present.

[53 FR 11855, Apr. 11, 1988]

§ 1.733 Specifications as to pleadings, briefs, and other documents; subscription.

(a) All papers filed in any formal complaint proceeding must be drawn in conformity with the requirements of §§ 1.49 and 1.50.

(b) All averments of claims or defenses in complaints and answers shall be made in numbered paragraphs. The contents of each paragraph shall be limited as far as practicable to a statement of a single set of circumstances. Each claim founded on a separate transaction or occurrence and each affirmative defense shall be separately stated to facilitate the clear presentation of the matters set forth.

(c) The original of all pleadings and other submissions filed by any party shall be signed by that party, or by the party's attorney. The signing party shall state his or her address and telephone number and the date on which the document was signed. Copies should be conformed to the original. Except when otherwise specifically provided by rule or statute, pleadings need not be verified. The signature of an attorney or party shall be a certificate that the attorney or party has read the pleading, motion, or other paper, that to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose.

[53 FR 11855, Apr. 11, 1988]

§ 1.734 Copies; service; separate filings against multiple defendants.

(a) Complaints may generally be brought against only one named carrier; such actions may not be brought against multiple defendants unless the defendant carriers are commonly owned or controlled, are alleged to have acted in concert, are alleged to be jointly liable to complainant, or the complaint concerns common questions of law or fact. Complaints may, however, be consolidated by the Commission for disposition.

(b) The complainant must file an original plus three copies of the complaint with the Commission. However, if the complaint is addressed against multiple defendants, complainant shall supply three additional copies of the complaint for each additional defendant.

(c) Generally, a separate file is se up for each defendant. An origina plus two copies shall be filed of al pleadings and documents, other tha the complaint, for each file number as signed.

(d) The Commission will serve copy of any formal complaint file with it on the named defendant, to gether with a notice of the filing o the complaint. Such notice shall ca upon the defendant to satisfy the complaint or to answer the complaint i writing within the time specified i the notice.

(e) All subsequent pleadings a briefs filed in any formal complai proceeding, including any suppleme tal, amended, or cross complaint, well as all letters, documents or oth written submissions, shall be served the filing party on all other parties the proceeding, together with a pro of such service in accordance with t requirements of § 1.47.

(f) The parties to any complaint p ceeding may be required to file ad tional copies of any or all papers fi in the proceeding.

[53 FR 11855, Apr. 11, 1988]

APPLICATIONS

§ 1.741 Scope.

The general rules relating to ap cations contained in §§ 1.742 throu

1.748 apply to all applications filed by carriers except those filed by public correspondence radio stations pursuant to Parts 21, 80 and 87 of this chapter, and those filed by common carriers pursuant to Part 25 of this chapter. Part 21 contains general rules applicable to applications filed pursuant thereto. For general rules applicable to applications filed pursuant to Parts 80, and 87, see such parts and Subpart F of this part. For rules applicable to applications filed pursuant to Part 25, see said part.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12540, Nov. 22, 1963, as amended at 47 FR 15334, Apr. 9, 1982; 51 FR 31304, Sept. 2, 1986]

§ 1.742 Place of filing, fees, and number of copies.

Except as specified in § 22.6 or elsewhere in this chapter, all applications shall be tendered for filing at the Commission's main office in Washington, DC. Hand-delivered applications will be dated by the Secretary or Fees Section upon receipt (mailed applications will be dated by the Mail Branch or Fees Section) and then forwarded to the Common Carrier Bureau. The number of copies required for each application and the processing fee (see Part 1, Subpart G) which may be required to accompany that application in order to qualify it for processing are set forth in the rules. However, if an application is not of the types covered by this chapter, an original and two copies of each such application shall be submitted.

[52 FR 10229, Mar. 31, 1987]

§ 1.743 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

[28 FR 12450, Nov. 22, 1963, as amended at 53 FR 17193, May 16, 1988]

§ 1.744 Amendments.

(a) Any application not designated for hearing may be amended at any time by the filing of signed amendments in the same manner, and with the same number of copies, as was the initial application. If a petition to deny (or to designate for hearing) has been filed, the amendment shall be served on the petitioner.

(b) After any application is designated for hearing, requests to amend such application may be granted by the presiding officer upon good cause shown by petition, which petition shall be properly served upon all other parties to the proceeding.

(c) The applicant may at any time be ordered to amend his application so as to make it more definite and certain. Such order may be issued upon motion of the Commission (or the presiding officer, if the application has been designated for hearing) or upon petition of any interested person, which petition shall be properly served upon the applicant and, if the application has been designated for hearing, upon all parties to the hearing.

[29 FR 6444, May 16, 1964, and 31 FR 14394, Nov. 9, 1966]

§ 1.745 Additional statements.

The applicant may be required to submit such additional documents and written statements of fact, signed and verified (or affirmed), as in the judgment of the Commission (or the presiding officer, if the application has been designated for hearing) may be necessary. Any additional documents and written statements of fact required in connection with applications under Title II of the Communications Act need not be verified (or affirmed).

[29 FR 6444, May 16, 1964]

§ 1.746 Defective applications.

(a) Applications not in accordance with the applicable rules in this chapter may be deemed defective and returned by the Commission without acceptance of such applications for filing and consideration. Such applications will be accepted for filing and consideration if accompanied by petition showing good cause for waiver of the rule with which the application does not conform.

(b) The assignment of a file number, if any, to an application is for the administrative convenience of the Commission and does not indicate the acceptance of the application for filing and consideration.

§ 1.747 Inconsistent or conflicting applications.

When an application is pending or undecided, no inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf or for the benefit of said applicant, his successor, or assignee, will be considered by the Commission.

§ 1.748 Dismissal of applications.

(a) *Before designation for hearing.* Any application not designated for hearing may be dismissed without prejudice at any time upon request of the applicant. An applicant's request for the return of an application that has been accepted for filing and consideration, but not designated for hearing, will be deemed a request for dismissal without prejudice. The Commission may dismiss an application without prejudice before it has been designated for hearing when the applicant fails to comply or justify noncompliance with Commission requests for additional information in connection with such application.

(b) *After designation for hearing.* A request to dismiss an application without prejudice after it has been designated for hearing shall be made by petition properly served upon all partie to the hearing and will be grante only for good cause shown. An application may be dismissed with prejudic after it has been designated for hearing when the applicant:

(1) Fails to comply with the requir ments of § 1.221(c);

(2) Otherwise fails to prosecute h application; or

(3) Fails to comply or justify no compliance with Commission reques for additional information in conne tion with such application.

[28 FR 12450, Nov. 22, 1963, as amended 29 FR 6445, May 16, 1964]

§ 1.749 Action on application under de gated authority.

Certain applications do not requi action by the Commission but, pur ant to the delegated authority co tained in Subpart B of Part 0 of th chapter, may be acted upon by t Telegraph Committee, the Telepho Committee, or the Chief of t Common Carrier Bureau, respective subject to reconsideration by the Co mission.

SPECIFIC TYPES OF APPLICATIONS UNDER TITLE II OF COMMUNICATIONS ACT

§ 1.761 Cross reference.

Specific types of applications under Title III of the Communications Act involving public correspondence radio stations are specified in Parts 21, 23, 80, and 87 of this chapter.

[28 FR 12450, Nov. 22, 1963, as amended at 51 FR 31304, Sept. 2, 1986]

§ 1.762 Interlocking directorates.

Applications under section 212 of the Communications Act for authority to hold the position of officer or director of more than one carrier subject to the act or for a finding that two or more carriers are commonly owned shall be made in the form and manner, with the number of copies set forth in Part 62 of this chapter. The Commission shall be informed of any change in status of any person authorized to hold the position of officer or director of more than one carrier, as required by Part 62 of this chapter.

[52 FR 5289, Feb. 20, 1987]

§ 1.763 Construction, extension, acquisition or operation of lines.

(a) Applications under section 214 of the Communications Act for authority to construct a new line, extend any line, acquire or operate any line or extension thereof, or to engage in transmission over or by means of such additional or extended line, to furnish temporary or emergency service, or to supplement existing facilities shall be made in the form and manner, with the number of copies and accompanied by the fees specified in Part 63 of this chapter.

(b) In cases under this section requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of the Army, the Secretary of the Navy, and the Governor of each State involved. Hearing is held if any of these persons desires to be heard or if the Commission determines that a hearing should be held. Copies of applications for certificates are filed with the regulatory agencies of the States involved.

§ 1.764 Discontinuance, reduction, or impairment of service.

(a) Applications under section 214 of the Communications Act for the authority to discontinue, reduce, or impair service to a community or part of a community or for the temporary, emergency, or partial discontinuance, reduction, or impairment of service shall be made in the form and manner, with the number of copies specified in Part 63 of this chapter (see also Subpart G, Part 1 of this chapter). Posted and public notice shall be given the public as required by Part 63 of this chapter.

(b) In cases under this section requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of Defense, the Secretary of State (with respect to such applications involving service to foreign points), and the Governor of each State involved. Hearing is held if any of these persons desires to be heard or if the Commission determines that a hearing should be held. Copies of all formal applications under this section requesting authorizations (including certificates) are filed with the Secretary of Defense, the Secretary of State (with respect to such applications involving service to foreign points) and the Governor of each State involved. Copies of all applications under this section requesting authorizations (including certificates) are filed with the regulatory agencies of the States involved.

[28 FR 12450, Nov. 22, 1963, as amended at 52 FR 5289, Feb. 20, 1987]

§ 1.765 Consolidation or acquisition of telephone companies.

Applications under section 221(a) of the Communications Act for authority to consolidate or acquire telephone companies shall be made in the form and manner, with the number of copies and accompanied by the fees shown in Part 66 of this chapter.

§ 1.766 Consolidation of domestic telegraph carriers.

(a) Applications under section 22 of the Communications Act by two or more domestic telegraph carriers for authorization to effect a consolidation or merger or by any domestic telegraph carrier to acquire all or any part of the domestic telegraph properties, domestic telegraph facilities, or domestic telegraph operations of any carrier shall contain such information as is necessary for the Commission to act upon such application under the provisions of section 222 of the Act.

(b) These applications are acted upon by the Commission after public hearing. Reasonable notice in writing of the public hearing and an opportunity to be heard is given by the Commission to the Governor of each of the States in which any of the physical property involved in such proposed consolidation or merger is situated, to the Secretary of State, the Secretary of the Army, the Attorney General of the United States, the Secretary of the Navy, representatives of employees where represented by bargaining representatives known to the Commission, and to such other persons as the Commission may deem advisable.

[28 FR 12450, Nov. 22, 1963, as amended at 52 FR 5289, Feb. 20, 1987]

§ 1.767 Cable landing licenses.

(a) Applications for cable landing licenses under 47 U.S.C. 34-39 and Executive Order No. 10530, dated May 10, 1954, should be filed in duplicate and in accordance with the provisions of that Executive Order. These applications should contain the name and address of the applicant; the corporate structure and citizenship of officers if a corporation; a description of the submarine cable, including the type and number of channels and the capacity thereof; the location of points on the shore of the United States and in foreign countries where cable will land (including a map); the proposed use, need, and desirability of the cable; and such other information that as may be necessary to enable the Commission to act thereon. A separate application shall be filed with respect to each individual cable system for which a license is requested, or for which modification or amendment of a previous license is requested.

(b) These applications are acted upon by the Commission after obtaining the approval of the Secretary of State and such assistance from any executive department or establishment of the Government as it may require.

(c) Original files relating to submarine cable landing licenses and applications for licenses since June 30, 1934, are kept by the Commission. Such applications for licenses (including all documents and exhibits filed with and made a part thereof, with the exception of any maps showing the exact location of the submarine cable or cables to be licensed) and the licenses issued pursuant thereto, with the exception of such maps, shall, unless otherwise ordered by the Commission, be open to public inspection in the offices of the Commission in Washington, D.C.

(d) Original files relating to licenses and applications for licenses for the landing operation of cables prior to June 30, 1934, were kept by the Department of State, and such files prior to 1930 have been transferred to the Executive and Foreign Affairs Branch of the General Records Office of the National Archives. Requests for inspection of these files should, however, be addressed to the Federal Communications Commission, Washington, D.C., 20554; and the Commission will obtain such files for a temporary period in order to permit inspection at the offices of the Commission.

[28 FR 12450, Nov. 22, 1963, as amended at 52 FR 5289, Feb. 20, 1987]

TARIFFS

§ 1.771 Filing.

Schedules of charges, and classifications, practices, and regulations affecting such charges, required under section 203 of the Communications Act shall be constructed, filed, and posted in accordance with and subject to the requirements of Part 61 of this chapter.

§ 1.772 Application for special tariff permission.

Applications under section 203 of the Communications Act for special tariff permission shall be made in the form and manner, with the number of copies set out in Part 61 of this chapter.

[52 FR 5289, Feb. 20, 1987]

§ 1.773 Petitions for suspension or rejection of new tariff filings.

(a) *Petition*—(1) *Content.* Petitions seeking suspension or rejection of a new tariff filing or any provision thereof shall specify its Federal Communications Commission tariff number and carrier transmittal number, the items against which protest is made, and the specific reasons why the protested tariff filing warrants suspension or rejection under the Communications Act. When more than one form of relief is sought in a single petition, arguments supporting different forms of relief shall be separately and distinctly set forth. No petition shall include a prayer that it also be considered a formal complaint. Any formal complaint shall be filed as a separate pleading as provided in § 1.721.

(i) Petitions seeking suspension and investigation, or rejection of a new or revised tariff filing or any provision of such a publication, must specify the pertinent Federal Communications Commission tariff number and carrier transmittal number; the matters protested; and the specific reasons why the tariff warrants suspension and investigation, or rejection. When a single petition asks for more than one form of relief, it must separately and distinctly plead and support each form of relief. However, no petiton may ask that it also be considered a formal complaint. Formal complaints must be separately lodged, as provided in § 1.721.

(ii) For purposes of this section, tariff filings by nondominant carriers will be considered *prima facie* lawful, and will not be suspended by the Commission unless the petition requesting suspension shows:

(A) That there is a high probability the tariff would be found unlawful after investigation;

(B) That the harm alleged to competition would be more substantial than the injury to the public arising from the unavailability of the service pursuant to the rates and conditions proposed in the tariff filing;

(C) That irreparable injury will result if the tariff filing is not suspended; and

(D) That the suspension would not otherwise be contrary to the public interest.

(iii) For the purpose of this section, any tariff filing by a local exchange carrier filed pursuant to the requirements of § 61.39 will be considered prima facie lawful and will not be suspended by the Commission unless the petition requesting suspension shows that the cost and demand studies or average schedule information was not provided upon reasonable request. If such a showing is not made, then the filing will be considered prima facie lawful and will not be suspended by the Commission unless the petition requesting suspension shows each of the following:

(A) That there is a high probability the tariff would be found unlawful after investigation;

(B) That any unreasonable rate would not be corrected in a subsequent filing;

(C) That irreparable injury will result if the tariff filing is not suspended; and

(D) That the suspension would not otherwise be contrary to the public interest.

(iv) For the purposes of this section, tariff filings made pursuant to § 61.49(b) by carriers subject to price cap regulation will be considered *prima facie* lawful, and will not be suspended by the Commission unless the petition shows that the support information required in § 61.49(b) was not provided, or unless the petition requesting suspension shows each of the following:

(A) That there is a high probability the tariff would be found unlawful after investigation;

(B) That the suspension would not substantially harm other interested parties;

(C) That irreparable injury will result if the tariff filing is not suspended; and

(D) That the suspension would not otherwise be contrary to the public interest.

(2) *When filed.* All petitions seeking suspension or rejection of a new tariff filing shall meet the filing requirements of this paragraph. In case of emergency and within the time limits

provided, a telegraphic request for such relief may be sent to the Commission setting forth succinctly the substance of the matters required by paragraph (a)(1) of this section. A copy of any such telegraphic request shall be sent simultaneously to the Chief, Common Carrier Bureau, the Chief, Tariff Division, and the publishing carrier. Thereafter, the request shall be confirmed by petition filed and served in accordance with § 1.773(c).

(i) Petitions seeking suspension or rejection of a new tariff filing made on less than 30 days notice shall be filed and served within 7 days after the date of the tariff filing.

(ii) Petitions seeking suspension or rejection of a new tariff filing made on at least 30 but less than 90 days notice shall be filed and served within 15 days after the date of the tariff filing.

(iii) Petitions seeking suspension or rejection of a new tariff filing made on 90 or more days notice shall be filed and served within 25 days after the date of the tariff filing.

(3) *Computation of time.* Intermediate holidays shall be counted in determining the above filing dates. If the date for filing the petition falls on a holiday, the petition shall be filed on the next succeeding business day.

(b) *Reply*—(1) *When filed.* A publishing carrier's reply to a petition for relief from a tariff filing shall be filed in accordance with the following periods:

(i) Replies to petitions seeking suspension or rejection of a new tariff filing made on less than 30 days notice shall be filed and served within 4 days after service of the petition.

(ii) Replies to petitions seeking suspension or rejection of a new tariff filing made on at least 30 but less than 90 days notice shall be filed and served within 5 days after service of the petition.

(iii) Replies to petitions seeking suspension or rejection of a new tariff filing made on 90 or more days notice shall be filed and served within 8 days after service of the petition.

(iv) Where all petitions against a tariff filing have not been filed on the same day, the publishing carrier may file a consolidated reply to all the petitions. The time for filing such a consolidated reply will begin to run on the last date for timely filed petitions, as fixed by (a)(2)(i)—(iii) of this section, and the date on which the consolidated reply is due will be governed by (b)(1)(i)—(iii) of this section.

(2) *Computation of time.* Intermediate holidays shall not be counted in determining the above filing dates. When a petition is served upon the filing carrier by mail, an additional 3 days (counting holidays) may be allowed for filing the reply. If the date for filing the reply falls on a holiday, the reply may be filed on the next succeeding business day.

(c) *Copies, Service.* An original and 4 copies of each petition or reply shall be filed with the Commission and separate copies served simultaneously upon the Chief, Common Carrier Bureau, the Chief, Tariff Division, and the publishing carrier or petitioner.

[45 FR 64190, Sept. 29, 1980, as amended a 49 FR 40876, Oct. 18, 1984; 49 FR 4946 Dec. 20, 1984; 52 FR 26682, July 16, 1987; 5 FR 19840, May 8, 1989]

Contracts, Reports, and Requests Required to be Filed by Carriers

§ 1.781 Requests for extension of filin time.

Requests for extension of tim within which to file contracts, report and requests referred to in §§ 1.78 through 1.814 shall be made in writin and may be granted for good cau shown.

Contracts

§ 1.783 Filing.

Copies of carrier contracts, agre ments, concessions, licenses, authoriz tions or other arrangements, shall filed as required by Part 43 of th chapter.

Financial and Accounting Reports and Requests

§ 1.785 Annual financial reports.

(a) Annual financial reports shall filed by carriers and affiliates as quired by Part 43 of this chapter the following forms:

(1) Form M (telephone companies).

(2) Form O (wire-telegraph and ocean-cable carriers).

(3) Form R (radiotelegraph carriers).

(b) Verified copies of annual reports filed with the Securities and Exchange Commission on its Form 10-K, Form 1-MD, or such other form as may be prescribed by that Commission for filing of equivalent information, shall be filed annually with this Commission by each person directly or indirectly controlling any communications common carrier in accordance with Part 43 of this chapter.

(c) Carriers having separate departments or divisions for carrier and non-carrier operations shall file separate supplemental annual reports with respect to such carrier and non-carrier operations in accordance with Part 43 of this chapter.

[28 FR 12450, Nov. 22, 1963, as amended at 31 FR 747, Jan. 20, 1966; 47 FR 50697, Nov. 9, 1982; 49 FR 36503, Sept. 18, 1984; 50 FR 41152, Oct. 9, 1985]

§ 1.786 [Reserved]

§ 1.787 Reports of proposed changes in depreciation rates.

Carriers shall file reports regarding proposed changes in depreciation rates as required by Part 43 of this chapter.

§ 1.788 Reports regarding pensions and benefits.

Carriers shall file reports regarding pensions and benefits as required by Part 43 of this chapter.

§ 1.789 Reports regarding division of international telegraph communication charges.

Carriers engaging in international telegraph communication shall file reports in regard to the division of communication charges as required by Part 43 of this chapter.

§ 1.790 Reports relating to traffic by international carriers.

Carriers shall file periodic reports regarding overseas point-to-point traffic and marine telegraph traffic as required by Part 43 of this chapter.

[29 FR 14667, Oct. 28, 1964]

§ 1.791 Reports and requests to be filed under part 32 of this chapter.

Reports and requests shall be filed either periodically, upon the happening of specified events, or for specific approval by class A and class B telephone companies in accordance with and subject to the provisions of part 32 of this chapter.

[55 FR 30461, July 26, 1990]

§ 1.793 Reports and requests to be filed under Part 34 of this chapter.

Reports and requests shall be filed either periodically, upon the happening of specified events, or for specific approval, by radiotelegraph carriers in accordance with and subject to the provisions of Part 34 of this chapter.

§ 1.794 Reports and requests to be filed under Part 35 of this chapter.

Reports and requests shall be filed either periodically, upon the happening of specified events, or for specific approval, by wire-telegraph and ocean-cable carriers in accordance with and subject to the provisions of Part 35 of this chapter.

§ 1.795 Reports regarding interstate rates of return.

Carriers shall file reports regarding interstate rates of return on FCC Form 492 as required by Part 65 of this chapter.

[52 FR 274, Jan. 5, 1987]

SERVICES AND FACILITIES REPORTS

§ 1.802 Reports relating to continuing authority to supplement facilities or to provide temporary or emergency service.

Carriers receiving authority under Part 63 of this chapter shall file quarterly or semiannual reports as required therein.

§ 1.803 Reports relating to reduction in temporary experimental service.

As required in Part 63 of this chapter, carriers shall report reductions in service which had previously been expanded on an experimental basis for a temporary period.

§ 1.805 Reports relating to service by carriers engaged in public radio service operations.

Monthly and quarterly reports must be filed with the Commission in connection with certain fixed public radio service operations. No form is prescribed. A complete description of the contents of these reports is contained in Part 23 of this chapter.

MISCELLANEOUS REPORTS

§ 1.811 Reports regarding amendments to charters, by-laws and partnership agreements of carriers engaged in domestic public radio services.

Amendments to such documents shall be reported and filed in accordance with Part 21 of this chapter.

§ 1.813 Reports of negotiations regarding foreign communication matters.

Pursuant to the requirements of Part 43 of this chapter, carriers engaging or participating in foreign communications shall file monthly reports covering negotiations conducted.

§ 1.814 Reports regarding free service rendered the Government for national defense.

Carriers rendering free service in connection with the national defense to any agency of the United States Government shall file reports in accordance with Part 2 of this chapter.

§ 1.815 Reports of annual employment.

(a) Each common carrier licensee or permittee with 16 or more full time employees shall file with the Commission, on or before May 31 of each year, on FCC Form 395, an annual employment report.

(b) A copy of every annual employment report filed by the licensee or permittee pursuant to the provisions herein; and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the permittee or licensee and the Commission pertaining to the reports after they have been filed and all documents incorporated herein by reference are open for public inspection at the offices of the Commission.

[35 FR 12894, Aug. 14, 1970, as amended at 36 FR 3119, Feb. 18, 1971]

GRANTS BY RANDOM SELECTION

§ 1.821 Scope.

Where action on applications is permitted by the Chief, Common Carrier Bureau, under delegated authority, the provisions of this section, including provisions incorporated by reference, shall apply to applications for permits and licenses in the following services:

(a) Public Land Mobile Service,

(b) Domestic Public Cellular Radio Telecommunications Service,

(c) Multichannel Multipoint Distribution Service (MMDS).

(d) Digital Electronic Message Service.

[50 FR 5991, Feb. 13, 1985, as amended at 50 FR 45614, Nov. 1, 1985]

§ 1.822 General selection procedures.

(a) Mutually exclusive applications for permits and licenses in the services specified in § 1.821 may be designated for random selection according to the procedures established for each service. Following the random selection, the Commission shall determine whether the applicant is qualified to receive the permit or license. If, after reviewing the tentative selectee's application and pleadings properly filed against it, the Commission determines that a substantial and material question of fact exists, it shall designate the qualifying issue(s) for an expedited hearing.

(b) Expedited hearing procedures. (1) Hearings may be conducted by the Commission or an Administrative Law Judge. In the case of a question which requires oral testimony for its resolution, the hearing will be conducted by an Administrative Law Judge.

(2) Parties have ten (10) days from publication in the FEDERAL REGISTER of the hearing designation order to file notices of appearance.

(3) When the Commission, under § 1.221, issues an order stating the time, place, and nature of the hearing, this order shall instruct the applicant to submit its direct case in writing within thirty (30) days from the

order's release date, or as otherwise specified in the order. The direct written case must set forth all those facts and circumstances related to the issues in the designation order. Documentary evidence upon which the applicant relies must be attached. Each exhibit must be numbered and must be accompanied by an affidavit from someone who has personal knowledge of the facts in the submission and who attests to the truth of the submission.

(4) The order will also specify those petitioners that directly raised an issue which was designated and will inform these parties of their opportunity to submit a written rebuttal case within twenty (20) days after the direct case is due. The procedures in paragraph (b)(3) of this section will apply as to documentary evidence, exhibits, and affidavits.

(5) Appeal of initial decisions rendered by an Administrative Law Judge shall lie with the Commission.

[48 FR 27201, June 13, 1983. Redesignated and amended at 50 FR 5991, Feb. 13, 1985]

§ 1.823 Random selection procedures for the Public Land Mobile and Domestic Public Cellular Radio Telecommunications Services.

(a) *General Procedures.* If there are mutually exclusive applications for an initial license, the Commission may use a random selection process. Each such random selection shall be conducted under the direction of the Chief of the Common Carrier Bureau. The designated Lottery Official shall select the winning applicant from among mutually exclusive applicants. The Lottery Official may select in rank order a number of additional applicants. The number of additional applicants selected will be determined by the Chief of the Common Carrier Bureau and the Managing Director. No preferences shall be awarded to participants. Following the random selection, the Commission shall announce the tentative selectee and determine whether this applicant is qualified to receive the license. If the Commission determines that the tentative selectee is qualified, it shall grant the application.

(b) *Petitions to Deny*—(1) *Public Land Mobile Service.* Petitions to Deny and other pleadings may be filed against applications for authority in the Public Land Mobile Service but will not be reviewed prior to conducting the random selection. Petitions filed against the tentative selectee's application will be reviewed after the tentative selectee is announced. (See § 22.30 for other requirements regarding Petitions to Deny and responsive pleadings.)

(2) *Cellular Radio Telecommunications Service.* In the Cellular Service, Petitions to Deny may be filed only against the tentative selectee within 45 days of the Public Notice announcing such tentative selection. A consolidated reply may be filed within 30 days of the due date for Petitions to Deny. No additional pleadings will be accepted. If the tentative selectee is disqualified, or its application designated for hearing, the Commission will allow Petitions to Deny against the next-ranked tentative selectee.

(c) *Petitions for Reconsideration*—Motions to Stay or Applications for Review may be filed only at such time as the Commission grants or denies the tentative selectee's application. The filing periods specified in the Rules shall apply for such pleadings.

[50 FR 5991, Feb. 13, 1985, as amended at 50 FR 51527, Dec. 18, 1985; 53 FR 52425, Dec. 28, 1988]

§ 1.824 Random selection procedures for Multichannel Multipoint Distribution Service.

(a) If there are mutually exclusive applications for an initial permit or license, the Commission may use the random selection process to select the permittee or licensee. Each such random selection shall be conducted under the direction of the Office of the Managing Director in conjunction with the Office of Secretary. Following the random selection, the Commission shall announce the tentative selectee and determine whether the applicant is qualified to receive the permit or license. If the Commission determines that the tentative selectee is qualified, it shall grant the application. In the event that the tentative selectees's application is denied, a second random selection will be conducted. Petitions for Reconsideration, Motions to Stay or Applications for Review may be submitted at the time the Commission grants or denies the application of the tentative selectee. The filing periods specified in the rules shall apply for such pleadings.

(b) Competing applications for permits and licenses shall be designated for random selection in accordance with the procedures set forth at §§ 1.1621, 1.1622 (a), (b), (c) and (d), and 1.1623. No preferences pursuant to § 1.1622 (b)(2) or (b)(3) shall be granted to any MMDS applicant whose owners, when aggregated, have an ownership interest of more than fifty percent in the media of mass communication whose service areas, as set forth at § 1.1622(e) (1) through (7), wholly encompass or are encompassed by the protected service area contour, computed in accordance with § 21.902(d), for which the license or permit is sought.

(c) Petitions to Deny may be filed only against the tentative selectee. These petitions must be filed within 30 days of the Public Notice announcing such tentative selection. A consolidated reply may be filed within 15 days of the due date for Petitions to Deny.

[50 FR 5992, Feb. 13, 1985]

§ 1.825 Ramdom selection procedures for Digital Electronic Message Service.

(a) If there are mutually exclusive applications for an initial permit or license for a digital termination system, the Commission may use the random selection process to select the permittee or licensee. Each such random selection shall be conducted under the direction of the Office of Managing Director in conjunction with the Office of the Secretary. The random selection shall rank order the applications. No preferences shall be awarded to participants. Following the random selection, the Commission shall announce the rank order of the applications to determine whether the first ranked tentative selectee is qualified to recieve the permit or license. If the Commission determines that the tentative selectee is qualified, it shall grant the application. The Commission shall then determine which of the alternate applications in rank order, can also be granted and whether those alternate tentative selectees are qualified to receive the permit or license. If the Commission determines that the alternate tentative selectees are qualified, it shall grant the applications.

(b) Petitions to deny applications for digital termination system authorizations, and responsive pleadings, shall be filed prior to conducting the random selection, pursuant to the requirements of § 21.30. Following the random selection, petitions against tentative selectee's applications shall be resolved by the Commission.

[50 FR 45614, Nov. 1, 1985]

Subpart F—Private Radio Services Applications and Proceedings

SOURCE: 28 FR 12454, Nov. 22, 1963, unless otherwise noted.

GENERAL

§ 1.901 Scope.

In the case of any conflict between the rules set forth in this subpart and the rules for specific services in Parts 80—99, the rules in this subpart shall govern.

[49 FR 30943, Aug. 2, 1984]

GENERAL FILING REQUIREMENTS

§ 1.911 Applications required.

(a) Except as provided in paragraph (b) of this section, station licenses a defined in section 3(bb) of the Communications Act; operator licenses o modifications of renewals thereof; assignments of station licenses or an rights thereunder; and consent t transfer control of a corporation holding a license, shall be granted onl upon written and signed application.

(b) In cases (1) of an emergenc found by the Commission involvin danger to life or property or due t damage to equipment, or (2) of a n tional emergency proclaimed by th President or declared by the Congre and during the continuance of any w in which the United States is engage when such action is necessary for th national defense or security or othe wise in furtherance of the war effo or (3) of emergency where the Commission finds, in these services, that it would not be feasible to secure renewal applications from existing licensees or otherwise to follow normal licensing procedure, the Commission may grant station licenses, or modifications or renewals thereof, without the filing of a formal application; but no such authorization shall be granted for or continue in effect beyond the period of the emergency or war requiring it. The procedure to be followed for requests submitted under the provisions of this paragraph is the same as for obtaining special temporary authority under § 1.925.

(c) In case of vessels at sea, the Commission may issue by cable, telegraph, or radio a permit for the operation of a station until the vessel returns to a port of the continental United States.

(d) Canadian licensees desiring to operate in the United States under the terms of Articles 2 and 3 of the Convention between the United States and Canada concerning Operation of Certain Radio Equipment or Stations (which entered into force May 15, 1952) shall make application upon FCC Form 410, which shall be filed with the Secretary, Federal Communications Commission, Washington, D.C., 20554. Forms may be obtained from the FCC Secretary, any field office of the Commission, or from the Controller of Telecommunications, Department of Transport, Ottawa, Canada.

(e) An alien amateur desiring to operate in the United States under provisions of sections 303(1)(2) and 310(a) of the Communications Act of 1934, as amended, and under the terms of a bilateral agreement in force between the applicant's country and the United Staters concluded pursuant to the provisions of Pub. L. 88-313, must make application on FCC Form 610-A,[1] which must be filed with the Commission's offices in Gettysburg, Pennsylvania (Federal Communications Commission, Gettysburg, Pennsylvania 17325). Forms may be obtained from the Secretary, the Commission's offices in Gettysburg, Pennsylvania, any field office of the Commission and, in some instances, from United States missions abroad.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

[28 FR 12454, Nov. 22, 1963, as amended at 34 FR 19419, Dec. 9, 1969; 37 FR 15928, Aug. 8, 1972; 40 FR 5365, Feb. 5, 1975; 49 FR 30943, Aug. 2, 1984]

§ 1.912 Where applications are to be filed.

(a) Applications for any class of new or upgraded amateur operator license shall be submitted to the examiners prior to the examination. (See § 97.26.) The examiners are required to submit the applications of persons passing their respective examinations to the Commission (for Novice Class operator licenses) or to the Volunteer-Examiner Coordinator (for all other amateur operator licenses). All other applications for amateur radio licenses shall be submitted to the Federal Communications Commission, Gettysburg, Pennsylvania 17325. Only one copy of the application is required.

(b) All applications for private land mobile licenses which require both frequency coordination and fees as set forth at Part 1, Subpart G of this chapter shall first be sent to the certified coordinator for the radio service or frequency group concerned. After the appropriate frequency coordination and attachment of the statutory fee, such applications shall be forwarded to the appropriate address in accordance with § 0.401(b) of the rules.

(1) All applications for private land mobile licenses that require frequency coordination but not a fee shall be sent to the certified frequency coordinator for the radio service or frequency group concerned. After appropriate frequency coordination, such applications shall be forwarded to the Federal Communications Commission, Gettysburg, PA 17326.

(2) All applications for private land mobile licenses that require a fee but not frequency coordination shall be sent to the appropriate address in accordance with § 0.401(b) of the rules.

(3) All applications for private land mobile licenses that do not require either frequency coordination or a fee shall be sent to the Federal Communi-

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[1] Form filed as part of original document.

cations Commission, Gettysburg, PA 17326.

(c) Formal applications for ship station licenses for use of radiotelephone or radar transmitting apparatus or both, and applications for modification of such licenses shall be filed on FCC Form 506 and in accordance with the instructions on that form.

(d) Formal applications for ship station licenses (FCC Forms 506 and 405-B) shall be submitted to the Commission's office, Box 1040, Gettysburg, PA 17326. Formal applications for aircraft station licenses (FCC Forms 404 and 405-B) shall be submitted to the Commission's office, Box 1030, Gettysburg, PA 17326. Applications for Maritime Coast and Aviation Ground Stations requiring fees as set forth at Part 1, Subpart G of this chapter must be filed in accordance with § 0.401(b) of the rules.

(e) All other applications that do not require fees shall be filed with the Commission's offices in Gettysburg, Pennsylvania and shall be addressed to: Federal Communications Commission, Gettysburg, PA 17326. Applications requiring fees as set forth at Part 1, Subpart G of of this chapter must be filed in accordance with § 0.401(b) of the rules.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308; secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[47 FR 9208, Mar. 4, 1982, as amended at 47 FR 15334, Apr. 9, 1982; 48 FR 45658, Oct. 6, 1983; 52 FR 10229, Mar. 31, 1987]

§ 1.913 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions there-
of, the District of Columbia, and un
of local government, including inc
porated municipalities, shall be sign
by such duly elected or appointed of
cials as may be competent to do
under the laws of the applicable jur
diction.

(b) Applications, amendments the
to, and related statements of fact
quired by the Commission may
signed by the applicant's attorney
case of the applicant's physical disab
ity or absence from the United Stat
or by applicant's designated ves
master when a temporary permit is
quested for a vessel. The attorn
shall, when applicable, separately
forth the reason why the applicati
is not signed by the applicant. In ad
tion, if any matter is stated on t
basis of the attorney's or maste
belief only (rather than knowledg
the attorney or master shall separa
ly set forth the reasons for believi
that such statements are true.

(c) Only the original of applicatio
amendments, and related statemen
of fact need be signed.

(d) Applications, amendments, a
related statements of fact need not
signed under oath. Willful false sta
ments made therein, however, a
punishable by fine and imprisonme
U.S. Code, Title 18, section 1001, a
by appropriate administrative sa
tions, including revocation of stati
license pursuant to section 312(a)(1)
the Communications Act of 1934,
amended.

(Sec. 308, 48 Stat. 1084, as amended;
U.S.C. 308)

[28 FR 12450, Nov. 22, 1963, as amended
43 FR 27991, June 28, 1978; 49 FR 309
Aug. 2, 1984]

§ 1.914 Full disclosures.

Each application shall contain fu
and complete disclosures with rega
to the real party or parties in intere
and as to all matters and things
quired to be disclosed by the applic
tion forms.

(Sec. 308, 48 Stat. 1084, as amended;
U.S.C. 308)

§ 1.916 Repetitious applications.

Where the Commission has, for a
reason, denied an application for

new station or for any modification of services or facilities, dismissed such application with prejudice, or revoked the license for a radio station in the Private Radio Services, the Commission will not consider a like or new application involving service of the same kind to substantially the same area by substantially the same applicant, its successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order. The Commission may, for good cause shown, waive the requirements of this section.

[28 FR 12454, Nov. 22, 1963, as amended at 44 FR 39181, July 5, 1979]

§ 1.918 Amendment of applications.

(a) Any amendment to an application shall be signed and submitted in the same manner and with the same number of copies as was the original application.

(b) Any application may be amended as a matter of right prior to the grant of that application. However, an application which is substantially amended, as defined by § 1.962(c), will be considered a newly filed application as of the date of the filing of the amendment.

(c) An application to amend an application after it has been designated for hearing will be considered only upon written petition addressed to the hearing examiner and served upon the parties of record, and will be granted only for good cause shown. A petition which requests a substantial change or to change the applicant's position, or the issues, in a hearing, must be accompanied by a signed statement of a person with knowledge of the facts as to whether or not consideration has been promised to or received by the petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If consideration has been promised, or received, the statement shall set forth in full detail all the relevant facts with sufficient itemization of the consideration to enable the examiner to determine to what extent, if any, that the consideration represents only the reasonable costs of prosecuting the petitioner's application.

(d) A request to amend an application after it has been designated for random selection pursuant to § 1.972 will be considered only upon written petition addressed to the Chief, Private Radio Bureau and will be granted only for good cause shown. A petition which requests a substantial change in the application or which affects the lottery probabilities of other applicants must be accompanied by a signed statement of a person with knowledge of the relevant facts and must specify with particularity why such change is necessary and whether or not consideration has been promised to or received by the petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If consideration has been promised or received, the statement shall set forth all the relevant facts with sufficient detail to enable the Chief, Private Radio Bureau to determine whether and to what extent, if any, the consideration represents only the reasonable costs of prosecuting the petitioner's application.

(e) The Commission (or the presiding officer, if the application has been designated for hearing) may, upon its own motion or upon motion of any party to a proceeding, order the applicant to amend the application so as to make the same more definite and certain, and may require an applicant to submit such documents and written statements of fact as in its judgment may be necessary.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

[28 FR 12454, Nov. 22, 1963, as amended at 37 FR 13984, July 15, 1972; 48 FR 27201, June 13, 1983; 49 FR 30944, Aug. 2, 1984]

APPLICATION FORMS AND PARTICULAR FILING REQUIREMENTS

§ 1.921 Procedure for obtaining a radio station authorization and for commencement of operation.

(a) Persons desiring to install and operate radio transmitting equipment should first submit an application for a radio station authorization in accordance with the rules for the particular service. A list of all application forms used by Private Radio Services

Bureau is contained in § 1.922. Each form contains appropriate instructions concerning the number of required copies, where it may be filed, and the services in which it is intended to be used.

(b) Each application shall include all information called for by the particular form on which the application is required to be filed unless the information called for is inapplicable, in which case that fact shall be indicated.

(c) In some cases equipment and service tests are required before an authorized station may be placed in regular operation. Reference should be made to the specific service regarding these provisions.

(Sec. 308, 48 Stat. 1084, as amended; 47 U.S.C. 308)

[28 FR 12454, Nov. 22, 1963, as amended at 44 FR 39181, July 5, 1979]

§ 1.922 Forms to be used.

FCC Form	Title
402	Application for Microwave Station Authorization in the Safety and Special Radio Services.
402-10	Instructions for Completion of FCC Form 402.
402-A	Annual Report of Licensees of Microwave and Other Fixed Stations When Such Facilities Are Used Cooperatively With Other Persons.
402-R	Renewal Notice and Certification in the Private Operational-Fixed Microwave Radio Service.
404	Application for Aircraft Radio Station License.
404-A	Temporary Aircraft Radio Station Operating Authority.
405-A	Application for Renewal of Radio License (Short Form).
405-B	License Expiration Notice and/or Renewal Application.
406	Application for Ground Station Authorization in the Aviation Services.
410	Registration of Canadian Radio Station Licensee and Application for Permit to Operate.
410-B	Application for permit to operate a Canadian General Radio Station in the United States.
480	Application for Civil Air Patrol Radio Station Authorization.
503	Application for Land Radio Station License in the Maritime Services.
506	Application for Ship Radio Station License.
506-A	Temporary Operating Authority, Ship Radio Station License and Restricted Radiotelephone Operator Permit.
525	Application for Disaster Communications Radio Station Construction Permit and License.
572	Temporary Permit to Operate a Business Radio Station.
572C	Conditional Temporary Authorization to Operate a Part 90 Radio Station.
574	Application for Radio Station Authorization in the Private Land Mobile and General Mobile Radio Services.
574-A	Supplementary Information for Trunked and Conventional Systems (806-821 MHz and 851-866 MHz bands).
574-B	Private Fixed, Mobile, and Radiolocation Services Supplementary Information Form.
	Instructions for Completion of FCC Form 574.
574-R	Application for Renewal of Radio Station License.
574-T	Temporary Permit to operate a General Mobile Radio Service System.
577	Temporary Permit To Operate a Part 90 Radio Station.
610	Application for amateur radio station and/or operator license.
610-A	Application of Alien Amateur Radio Licensee for Permit to Operate in the United States.
610-B	Application for Amateur Club, Military Recreation, or Radio Amateur Civil Emergency Service Station license.
660-B	Interim Amateur Permit.
702	Application for Consent to Assignment of Radio Station Construction Permit or License (For Stations in Services Other Than Broadcast).
703	Application for Consent to Transfer of Control of Corporation Holding Construction permit or Station License (For Station in Services Other Than Broadcast).
714	Supplement to Application for New or Modified Radio Station Authorization (concerning antenna structure notification to FAA).
820	Application for Exemption from Ship Radio Station Requirements.
845	Amateur Code Credit Certificate.
1046	Assignment of Authorization.

(Secs. 4, 5, 303, 308, 48 Stat. 1066, 1068, 1082, 1084, as amended; 47 U.S.C. 154, 155, 303, 308; secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12454, Nov. 22, 1963, as amended at 54 FR 50238, Dec. 5, 1990]

EDITORIAL NOTE: For Federal Register citations affecting § 1.922, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 1.923 Waiver of construction permit requirement.

(a) A construction permit is not required for any station in the Private Radio Services. However, certain private radio facilities must be constructed within the time periods specified in Part 90. See, however, § 1.1311(c).

(b) Licensees must apply for modification of station license for any antenna change which would be inconsistent with the terms of the station authorization or for which notification is required to be given to the Federal Aviation Administration by that agency. Part 17 of this chapter described the notification criteria.

[34 FR 9283, June 12, 1969, as amended at 48 FR 9271, Mar. 4, 1983]

§ 1.924 Assignment or transfer of control, voluntary and involuntary.

(a)(1) Radio station licenses are not transferable; however, except for those set forth in paragraph (a)(2) of this section, they may be assigned. Licenses may be assigned whenever there is a change of ownership of an authorized radio station, for example, if the radio communication equipment is sold with a business. The new owner must apply for assignment of the existing authorization in accordance with the rules under which the station is authorized.

(2) Licenses for stations in the Amateur, Aviation (aircraft), Personal, and Maritime (ship) Radio Services cannot be assigned. Whenever there is a change of ownership of one of these latter stations, the new owner must apply for a new license. Upon receipt of the new license, the former license must be surrendered for cancellation.

(b)(1) Application for consent to voluntary assignment of a license, or for consent to voluntary transfer of control of a corporation holding a license, must be filed with the Commission at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(2) The following application forms should be used:

(i) *FCC Form 574.* For assignment of station authorization in services under Part 90 of this chapter, except as provided in subparagraph (ii). Attached thereto shall be an executed Form 1046 or a signed letter from proposed assignor stating the desire to assign the current authorization in accordance with the rules governing the particular radio service involved. Applications for consent to assign authorizations of stations operating in the 806-821 and 351-866 MHz bands shall be accompanied by FCC Form 574-A. Applications for assignment of authorizations for stations operating on frequencies below 27.5 MHz shall be accompanied by FCC Form 574-B.

(ii) *FCC Form 402.* For assignment of station authorizations in the Private Operational-Fixed Microwave Service (Part 94 of this chapter). Attached thereto shall be an executed Form 1046 or a signed letter from proposed assignor stating the assignor's desire to assign the current authorization in accordance with the rules governing the particular service involved.

(iii) *FCC Form 406.* For assignment of ground station authorizations in the Aviation Services, except as provided in paragraph (b)(2)(ii) of this section.

(iv) *FCC Form 503.* For assignment of coast station authorizations in the Maritme Services and Alaska-Public Fixed Stations.

(v) [Reserved]

(vi) *FCC Form 703.* For consent to transfer control of a corporation holding any type of license.

(c)(1) In the event of the death or legal disability of a permittee or licensee, a member of a partnership, or a person directly or indirectly in control of a corporation which is a permittee or licensee, the Commission shall be notified in writing promptly of the occurrence of such death or legal disability.

(2) Within 30 days after the occurrence of such death or legal disability (except in the case of a ship or amateur station), application shall be filed for consent to involuntary assignment of such permit or license, or for involuntary transfer of control of such corporation, to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved. The procedure and forms to be followed are the same as those specified in paragraph (b) of this section.

(3) In the case of stations in the Amateur, Aviation (aircraft), Personal, and Maritime (ship) Radio Services, involuntary assignment of licenses will not be made; such licenses shall be surrendered for cancellation upon the death or legal disability of the licensee.

(Sec. 310, 48 Stat. 1086, as amended; 47 U.S.C. 310)

[28 FR 12454, Nov. 22, 1963, as amended at 31 FR 2600, Feb. 10, 1966; 36 FR 19439, Oct. 6, 1971; 36 FR 21679, Nov. 12, 1971; 42 FR 8527, Feb. 9, 1977; 44 FR 31651, June 1, 1979; 45 FR 55201, Aug. 19, 1980; 47 FR 57051, Dec. 22, 1982; 48 FR 8455, Mar. 1, 1983; 49 FR 30944, Aug. 2, 1984; 51 FR 2703, Jan. 21, 1986]

§ 1.925 Application for special temporary authorization, temporary permit or temporary operating authority.

(a) A licensee of or an applicant for a station in the Private Radio Services may file either a formal or informal application for a special temporary authority not to exceed 180 days for (1) operation of a new station or (2) operation of a licensed station in a manner which is beyond the scope of that authorized by the existing license. (See § 1.962(b)(5) and (f). The nature of the extraordinary circumstance which, in the opinion of the applicant justifies issuance of a special temporary authorization, must be fully described in the request. Information presently on file with the Commission may be included by reference, except the applications for special temporary authority under Part 90 must be clear and complete within themselves and shall not rely on any pending applications. Applications for special temporary authority must be filed at least 10 days prior to the proposed operation. Applications filed less than 10 days prior to the proposed operation date will be accepted only upon a showing of good cause. In situations involving the safety of life or property or where equipment has been damaged, a request for special temporary authority may be made by telephone or telegraph provided a properly signed application is filed within 10 days of such request.

(b) [Reserved]

(c) An applicant for an Aircraft Radio Station License may operate the radio station pending issuance of an Aircraft Radio Station License by the Commission for a period of 90 days under a temporary operating authority, evidenced by a properly executed certification made on FCC Form 404-A.

(d) [Reserved]

(e) Unless the FCC otherwise prescribes, an applicant already licensed in the Amateur Radio Service, upon successfully completing the amateur radio operator examination(s) required for a higher class, may operate his/her amateur radio station consistent with the rights and privileges of
that higher class for a period of one
year from the date of the most recent-
ly completed examination(s) for that
operator class in accord with the pro-
visions of § 97.35.

(f) An applicant for a Ship Radio
station license may operate the radio
station pending issuance of the ship
station authorization by the Commis-
sion for a period of 90 days, under a
temporary operating authority, evi-
denced by a properly executed certifi-
cation made on FCC Form 506-A.

(g) An applicant for a Busines
Radio station license utilizing an al
ready authorized facility may operat
the radio station for a period of 18
days, under a temporary permit, evi
denced by a properly executed certifi
cation made on FCC Form 572, afte
the mailing of a formal application fo
station license together with evidenc
of frequency coordination, if require
to the Commission. The temporary op
eration of stations, other than mobil
stations, within the Canadian coord
nation zone will be limited to station
with a maximum of 5 watts effectiv
radiated power and a maximum anter
na height of 20 feet (6.1 meters) abov
average terrain.

(h) An applicant for a radio static
license under Part 90, Subpart M,
this chapter to utilize an already exi
ing Specialized Mobile Radio Syste
(SMRS) facility or to utilize an
ready licensed transmitter may ope
ate the radio station for a period of
to 180 days, under a temporary perm
evidenced by a properly executed c
tification of FCC Form 572 after t
mailing of a formal application for s
tion license, provided that the anten
employed by the control station i
maximum of 20 feet (6.1 meters) abo
a man-made structure (other than
antenna tower) to which it is affix

(i) An applicant for an itinerant s
tion license, an applicant for a n
private land mobile radio station
cense in the frequency bands bel
470 MHz and in the one-way pag
929-930 MHz band or an applic
seeking to modify or acquire throu
assignment or transfer an existing
tion below 470 MHz or in the one-
paging 929-930 MHz band may oper
the proposed station during the pe

ency of its application for a period of up to 180 days under a conditional permit. Conditional operations may commence upon the filing of a properly completed formal application that complies with § 90.127 if the application, when frequency coordination is required, is accompanied by evidence of frequency coordination in accordance with §§ 90.175 and 90.176. Operation under such a permit is evidenced by retaining with the station records the original conditional licensing 572C Certification Form containing the certifications that satisfy the provisions of § 90.159(b).

(j) An applicant for a General Mobile Radio Service system license, sharing a multiple-licensed base station used as a mobile relay station, may operate the system for a period of 180 days, under a temporary permit, evidenced by a properly executed certification made on FCC Form 574-T, after mailing FCC Form 574 to the Commission.

(Secs. 4(i), 303, Communications Act of 1934, as amended (47 U.S.C. 154(i) and 303); 47 CFR 1.429)

[28 FR 12454, Nov. 22, 1963, as amended at 47 FR 56637, Dec. 20, 1982; 48 FR 4785, Feb. 3, 1983; 48 FR 24890, June 3, 1983; 48 FR 39072, Aug. 29, 1983; 48 FR 41770, Sept. 19, 1983; 48 FR 45658, Oct. 6, 1983; 49 FR 30312, July 30, 1984; 49 FR 37384, Sept. 24, 1984; 50 FR 37190, Sept. 12, 1985; 51 FR 31304, Sept. 2, 1986; 54 FR 50238, Dec. 5, 1989; 54 FR 51550, Dec. 15, 1989]

§ 1.926 Application for renewal of license.

(a) Application for renewal of a station license shall be submitted on the appropriate FCC Form indicated below:

(1) Renewal of station authorizations in the Private Land Mobile Radio Services (Part 90 of this chapter) and the General Mobile Radio Service (Part 95, Subpart A of this chapter) shall be submitted on FCC Form 574-R when the licensee has received that Form in the mail from the Commission. If the licensee has not received the Commission-generated Form 574-R within sixty (60) days of expiration, application for renewal of station license shall be submitted on FCC Form 405-A.

(2) Renewal of marine coast station authorizations (§ 80.19 of this chapter) and aviation ground station authorizations (§ 87.33 of this chapter) shall be submitted on FCC Form 405-A.

(3) Renewal of aircraft radio station authorizations and ship radio station authorizations shall be submitted on FCC Form 405-B.

(4) Renewal of an amateur operator license or a combined amateur operator/station license shall be submitted on FCC Form 610.

(5) Renewal of an amateur club, military recreation, or Radio Amateur Civil Emergency Service (RACES) station license shall be submitted on FCC Form 610-B.

(6) Renewal of station authorizations in the Private Operational-Fixed Microwave Service (Part 94 of this chapter) shall be submitted on such form as the Commission may designate by public notice in accordance with the provisions of § 94.27(e) of this chapter.

(b) All applications for renewal of license must be made during the license term and should be filed within 90 days but not later than 30 days prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(Secs. 4, 5, 303, 307, 308, 48 Stat., as amended, 1066, 1068, 1082, 1083, 1084; 47 U.S.C. 154, 155, 303, 307, 308)

[28 FR 12454, Nov. 22, 1963, as amended at 29 FR 3229, Mar. 11, 1964; 48 FR 36105, Aug. 9, 1983; 51 FR 31304, Sept. 2, 1986]

§ 1.931 Requests for waiver of private radio rules.

(a) All requests for waiver of the rules governing the Private Radio Services that require a fee (see § 1.1102) shall be submitted to the Mellon Bank, Pittsburgh, Pennsylvania at the address set forth in § 1.1102. Waiver requests that do not require a fee shall be addressed to: Federal Communications Commission, Gettysburg, PA 17326. Waiver requests attached to applications must be submitted in accordance with § 0.401(b) of the rules.

(b) Applicants requiring expeditious processing of their request for waiver shall clearly caption both their request for waiver and the envelope containing it with the words "WAIVER—TIMELY ACTION REQUESTED."

(Sec. 4(i), Communications Act of 1934, as amended, 47 U.S.C. 154(i); 47 CFR 0.231)

[49 FR 20291, May 14, 1984, as amended at 52 FR 10229, Mar. 31, 1987; 55 FR 19154, May 8, 1990]

§ 1.933 Installation or removal of apparatus.

(a) In the Public Safety, Industrial, and Land Transportation Radio Services, replacement of transmitting equipment may be made without prior authorization: *Provided*, The replacement transmitter appears in the Commission's "Radio Equipment List, Part C" as designated for use in the Public Safety, Industrial, and Land Transportation Radio Services, and the substitute equipment employs the same type of emission and does not exceed the power limitation as set forth in the station authorization.

(b) In the Personal Radio Services, replacement of transmitting equipment may be made without prior authorization if: (1) The replacement transmitter appears in the Commission's "Radio Equipment List," as designated for use in the Personal Radio Service, *or* (2) the replacement transmitter is for an R/C station, operates on frequencies assigned for R/C station use and complies with the technical standards of Part 95, Subpart E.

[28 FR 12454, Nov. 22, 1963, as amended at 48 FR 24890, June 3, 1983]

§ 1.934 Procedure with respect to amateur radio operator license.

Each candidate for an amateur radio license which requires the applicant to pass one or more examination elements must present the examiner(s) with a properly completed FCC Form 610 prior to the examination. Upon completion of the examination, the examiner(s) will immediately grade the test papers. If the applicant is successful, the examiner(s) will forward the candidate's application to: (a) The Commission's Gettysburg, Pennsylvania facility for an application for a Novice Class operator license, or (b) a Volunteer-Examiner Coordinator (VEC) for all other classes of operator licenses. The examiners will then issue a certificate for successful completion of an amateur radio operator examination. A VEC will forward the application to the Commission's Gettysburg, Pennsylvania facility.

[48 FR 45658, Oct. 6, 1983]

APPLICATION PROCESSING PROCEDURES

§ 1.951 How applications are distributed.

Licensing Division. All applications for radio stations are distributed as follows:

(a) *Aviation and Marine Branch*. (1) Aviation Radio Services applications:

Air Carrier Aircraft, Private Aircraft, Airdrome Control, Aeronautical Enroute, Aeronautical Fixed, Operational Fixed (Aviation), Aeronautical Utility Mobile, Radionavigation (Aviation), Flight Test, Flying School, Aeronautical Public Service, Civil Air Patrol, Aeronautical Advisory, Aeronautical Metropolitan, Aeronautical Search and Rescue Mobile, and Aeronautical Multicom.

(2) Marine Radio Service applications: Stations in the Maritime Mobil Service, Stations in the Maritime Radiodetermination Service, and Fixe Stations associated with the maritim services.

(b) *Land Mobile Branch*. (1) Industrial Radio Services applications:

Business, Forest Products, Industria Radiolocation, Manufacturers, Motio Picture, Petroleum, Power, Rela Press, Special Industrial and Telephone Maintenance.

(2) Land Transportation Radio Services applications:

Motor Carrier, Railroad, Taxica and Automobile Emergency.

(3) Public Safety Radio Services applications:

Fire, Forestry-Conservation, Hig way Maintenance, Local Governmen and Police.

(4) Special Emergency Radio Services applications:

Medical services, rescue organiz tions, physically handicapped, veter narians, disaster relief organizations, school buses, beach patrols, establishments in isolated areas, communications standby facilities.

(c) *General Radio Branch.* Amateur, General Mobile, Disaster.

(d) *Microwave Branch.* Operational fixed point-to-point and point-to-multipoint applications.

[49 FR 30944, Aug. 2, 1984, as amended at 51 FR 31304, Sept. 2, 1986]

§ 1.952 How file numbers are assigned.

(a) File numbers are assigned to certain categories of applications by the Private Radio Bureau.

(b) File number symbols and service or class of station designators:

Amateur and Disaster Services

Y—Amateur
D—Disaster
R—Races

Aviation Services

A—Aeronautical and fixed group
AA—Aviation auxiliary group
AR—Aviation radionavigation land
AC—Civil Air Patrol

Personal Radio Services

CA—General Mobile Radio Service

Industrial Services

IB—Business
IF—Forest products
IX—Manufacturers
IM—Motion picture
IP—Petroleum
IY—Relay press
IS—Special industrial
IT—Telephone maintenance
IW—Power

Land Transportation Services

LA—Automobile emergency
LI—Interurban passenger
LJ—Interurban property
LR—Railroad
LX—Taxicab
LU—Urban passenger
LV—Urban property

Marine Services

MK—Alaskan group
M—Coastal group
MA—Marine auxiliary group
MR—Marine radiodetermination land

Microwave Services

OP—Private Operational-Fixed Microwave

Public Safety Services

PF—Fire
PO—Forestry conservation
PH—Highway maintenance
PL—Local government
PP—Police
PS—Special emergency

Radiolocation Service

RS—Radiolocation

800 MHz Services

GB—Conventional Business
GO—Conventional Industrial/Land Transportation
GP—Conventional Public Safety/Special Emergency
GX—Conventional Commercial (SMRS)
YB—Trunked Business
YO—Trunked Industrial/Land Transportation
YP—Trunked Public Safety/Special Emergency
YX—Trunked Commercial (SMRS)

900 MHz Paging Services

GS—Private carrier paging systems

(c) Application or authorization designator symbols:

P—Construction Permit.
MP—Modified CP.
MP/L—Modified CP and License.
MP/ML—Modified CP and Modified License.
AP—Assignment of Permit.
L—License.
ML—Modified License.
AL—Assignment of License.
P/L—Combination CP and License.
R—Renewed License.
TC—Transfer of Control.

[28 FR 12454, Nov. 22, 1963, as amended at 49 FR 30945, Aug. 2, 1984]

§ 1.953 How applications are processed.

(a) Applications are processed in sequence according to date of filing, or pursuant to the system of random selection prescribed in § 1.972 of this part. Applications which are in accordance with the provisions of this chapter and established policies of the Commission may be processed to completion in accordance with the applicable delegations of authority as set forth in Part O of this chapter.

(b) [Reserved]

[48 FR 27201, June 13, 1983 and 51 FR 2703, Jan. 21, 1986]

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§ 1.955 Frequency coordination, Canada.

(a) As a result of mutual agreements, the Commission has, since May 1950 had an arrangement with the Canadian Department of Communications for the exchange of frequency assignment information and engineering comments on proposed assignments along the Canada-United States borders in certain bands above 30 MHz. Except as provided in paragraph (b) of this section, this arrangement involves assignments in the following frequency bands.

MHz

30.56–32.00
33.00–34.00
35.00–36.00
37.00–38.00
39.00–40.00
42.00–46.00
47.00–49.60
72.00–73.00
75.40–76.00
150.80–174.00
456–470
806.00–960.00
1850.0–2200.0
2450.0–2690.0
3700.0–4200.0
5925.0–7125.0

GHz

10.55–10.68
10.70–13.25

(b) The following frequencies are not involved in this arrangement because of the nature of the services:

MHz

156.3
156.35
156.4
156.45
156.5
156.55
156.6
156.65
156.7
156.8
156.9
156.95
157.0 and 161.6
157.05
157.1
157.15
157.20
157.25
157.30
157.35
157.40.

(c) Assignments proposed in accordance with the railroad industry radio frequency allotment plan along the United States-Canada borders utilized by the Federal Communications Commission and the Department of Transport, respectively, may be excepted from this arrangement at the discretion of the referring agency.

(d) Assignments proposed in any radio service in frequency bands below 470 MHz appropriate to this arrangement, other than those for stations in the Domestic Public (land mobile or fixed) category, may be excepted from this arrangement at the discretion of the referring agency if a base station assignment has been made previously under the terms of this arrangement or prior to its adoption in the same radio service and on the same frequency and in the local area, and provided the basic characteristics of the additional station are sufficiently similar technically to the original assignment to preclude harmful interference to existing stations across the border.

(e) For bands below 470 MHz, the areas which are involved lie between Lines A and B and between Lines C and D, which are described as follows:

Line A—Begins at Aberdeen, Wash., running by great circle arc to the intersection of 48° N., 120° W., thence along parallel 48° N., to the intersection of 95° W., thence by great circle arc through the southernmost point of Duluth, Minn., thence by great circle arc to 45° N., 85° W., thence southward along meridian 85° W., to its intersection with parallel 41° N., thence along parallel 41° N., to its intersection with meridian 82° W., thence by great circle arc through the southernmost point of Bangor, Maine, thence by great circle arc through the southern-most point of Searsport, Maine, at which point it terminates; and

Line B—Begins at Tofino, B.C., running by great circle arc to the intersection of 50° N., 125° W., thence along parallel 50° N., to the intersection of 90° W., thence by great circle arc to the intersection of 45° N., 7 30′ W., thence by great circle arc through the northernmost point of Drummondville, Quebec (lat: 45°52′ N., long: 72°30′ W.), thence by great circle arc to 48°30′ N., 7 W., thence by great circle arc through the northernmost point of Campbellton, N.B., thence by great circle arc through the northernmost point of Liverpool, N.S., a which point it terminates.

Line C—Begins at the intersection of 7 N., 144° W., thence by great circle arc to th intersection of 60° N., 143° W., thence b great circle arc so as to include all of th Alaskan Panhandle; and

Line D—Begins at the intersection of 7 N., 138° W., thence by great circle arc to th intersection of 61°20′ N., 139° W., (Burwa Landing), thence by great circle arc to th intersection of 60°45′ N., 135° W., thence b great circle arc to the intersection of 56° N 128° W., thence south along 128° meridian Lat. 55° N., thence by great circle arc to t intersection of 54° N., 130° W., thence great circle arc to Port Clements, thence the Pacific Ocean where it ends.

(f) For all stations using bands b tween 470 MHz and 1000 MHz; and f any station of a terrestrial serv using a band above 1000 MHz, t areas which are involved are as follows:

(1) For a station the antenna of which looks within the 200° sector toward the Canada-United States borders, that area in each country within 35 miles of the borders;

(2) For a station the antenna of which looks within the 160° sector away from the Canada-United States borders, that area in each country within 5 miles of the borders; and

(3) The area in either country within coordination distance as described in Recommendation 1A of the Final Acts of the EARC, Geneva, 1963 of a receiving earth station in the other country which uses the same band.

(g) Proposed assignments in the space radiocommunication services and proposed assignments to stations in frequency bands allocated coequally to space and terrestrial services above 1 GHz are not treated by these arrangements. Such proposed assignments are subject to the regulatory provisions of the International Radio Regulations.

(h) Assignments proposed in the frequency band 806–890 MHz shall be in accordance with the Canada-United States agreement, dated April 7, 1982.

[35 FR 6752, Apr. 29, 1970, as amended at 36 FR 19440, Oct. 6, 1971; 47 FR 57051, Dec. 22, 1982; 48 FR 8455, Mar. 1, 1983]

§ 1.958 Defective applications.

(a) Applications will be considered defective if:

(1) The applicant is disqualified by statute.

(2) The proposed use or purpose of the station applied for would be unlawful.

(3) The frequency applied for is not allocated to the service proposed.

(4) The application form is not signed in accordance with § 1.913 of these rules.

(5) The application is not complete with respect to answers, supplementary statements, execution or other matters of a formal character.

(6) The application is not in accordance with the Commission's rules or requirements and is not accompanied either by (i) a petition to amend any rule or regulation with which the application is in conflict, or (ii) a request by the applicant for waiver of any rule or requirement with which the application is in conflict. A request for rule amendment or waiver must show the nature of the amendment or waiver requested and set forth the reasons in support of it. Requests for waiver must state the nature of the waiver or exception desired and set forth reasons in support thereof including a showing that unique circumstances are involved and that there is no reasonable alternative solution within existing rules.

(7) The applicant is requested by the Commission to file any additional documents or information not included in the prescribed form and the applicant fails to comply with the Commission's request.

(b) An application which is defective on its face will not be accepted for filing and will be dismissed.

(c) An application which is accepted for filing, but which is later determined to be defective, will be dismissed.

[49 FR 30945, Aug. 2, 1984, as amended at 54 FR 38995, Sept. 22, 1989]

§ 1.959 Resubmitted applications.

Any application for frequencies below 470 MHz which has been returned to the applicant for correction will be processed in its original position in the processing line if it is resubmitted and received by the Commission's offices in Gettysburg, PA within 60 days from the date on which it was returned to the applicant. Otherwise it will be treated as a new application and require an additional fee as set forth in Part 1, Subpart G of this chapter. An application for frequencies above 470 MHz which has been returned to the applicant will be processed in its original position in the processing line if it is resubmitted and received by the Commission's offices in Gettysburg, PA within 30 days (45 days outside the continental United States) from the date on which it was returned to the applicant. Otherwise it will be treated as a new application and require an additional fee as set forth in Part 1, Subpart G of this chapter.

[52 FR 10230, Mar. 31, 1987]

§ 1.961 Dismissal of applications.

(a) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the designation of such application for hearing.

(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice where an application has not yet been designated for hearing; such dismissal may be with prejudice after an application has been designated for hearing.

(c) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record and will be granted only for good cause shown. Such petition must be accompanied by a written and signed statement of a person with knowledge of the facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application.

§ 1.962 Public notice of acceptance for filing; petitions to deny applications of specified categories.

(a) Except as qualified in paragraph (b) of this section, the provisions of this section shall apply to all applications for authorizations, and substantial amendments thereof, for the following categories of stations and services:

(1) Fixed point-to-point and point-to-multipoint stations using frequencies above 890 MHz (exclusive of control, relay, and repeater stations used as integral parts of mobile radio systems).

(2) Industrial radiopositioning stations for which frequencies are assigned on an exclusive basis.

(3) Aeronautical enroute stations.

(4) Aeronautical advisory stations.

(5) Airport control tower stations.

(6) Aeronautical fixed stations.

(7) Public coast stations, excluding those located in Alaska which will not render service for hire.

(b) The provisions of this section are not applicable to applications for the type of authorizations listed in this paragraph.

(1) A minor change in the facilities of an authorized station or a minor amendment of an application on file.

(2) Consent to an involuntary assignment or transfer under section 310(b) of the Communications Act or to a voluntary assignment or transfer thereunder which does not involve a substantial change in ownership or control.

(3) A license under section 319(c) of the Communications Act or, pending application for or grant of such license, any special or temporary authorization to permit interim operation to facilitate completion of authorized construction or to provide substantially the same service as would be authorized by such licensee.

(4) Extension of time to complete construction of authorized facilities.

(5) A special temporary authorization not to exceed 30 days where the applicant does not contemplate the filing of an application for regular operation, or not to exceed 60 days pending or after the filing of an application for regular operation.

(6) An authorization under any of the proviso clauses of section 308(a) of the Communications Act.

(c) For the purposes of this section, a substantial amendment of an application on file and applications for a substantial change in the facilities of an authorized station shall be:

(1) Any addition or change in frequency (except deletion of a frequency);

(2) Any change in antenna azimuth;

(3) Any change in antenna beam width;

(4) Any change in antenna locatio greater than 5 seconds;

(5) Any change in antenna locatio of less than 5 seconds but also involv ing a requirement for special aeronau tical study;

(6) Any change in emission;

(7) Any increase in antenna height;

(8) Any increase in authorized powe in excess of a 2 to 1 ratio;

(9) Any increase in emission ban width.

(d) All amendments of an application on file and all changes requested in the facilities of an authorized station other than those amendments and modifications listed in paragraph (c) of this section shall be considered minor.

(e) The Commission will issue at regular intervals Public Notices listing all applications subject to this section which have been received by the Commission in a condition acceptable for filing, or have been returned to an applicant for correction, within the 30-day public notice period. They will relist any application which has been amended substantially since its previous listing, or which has been resubmitted to the Commission, after public notice of the return of the application to an applicant, pursuant to § 1.959. Such acceptance for filing shall not preclude the subsequent dismissal of an application as defective.

(f) No application subject to the provisions of this section, as originally filed or substantially amended, will be granted by the Commission prior to the 31st day following the issuance of public notice of the acceptance for filing of such application or of any substantial amendment thereof; *Provided, however,* That the Commission, notwithstanding the requirements of this paragraph, may, if the grant of such application is otherwise authorized by law:

(1) Grant requests for special temporary authorization for periods not exceeding 180 days, accompanied by a statement of the reasons therefor, if it finds that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in institution of such operations would seriously prejudice the public interest, and

(2) Extend such temporary authorizations for additional periods not exceeding 180 days each, upon a finding of continued extraordinary circumstances requiring temporary operations in the public interest.

(g) Any party in interest may file with the Commission a petition to deny any application, whether as filed originally or as subsequently amended by a substantial amendment as defined in paragraph (c) of this section, subject to the provisions of this section, no later than 30 days after the date of the public notice listing the application, or substantial amendment to the application, as having been accepted for filing. Such petition shall be filed with the Commission's offices in Gettysburg, Pennsylvania and shall be addressed to: Federal Communications Commission, Gettysburg, Pennsylvania 17325. A petitioner shall serve a copy of such petition on the applicant. A petition shall contain specific allegations of fact sufficient to make a prima facie showing that the petitioner is a party in interest and that a grant of the application would be inconsistent with the public interest, convenience and necessity. Such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavit of a person or persons with personal knowledge thereof.

(h) The applicant may file an opposition to any petition to deny and the petitioner may file a reply thereto (see § 1.45) in which allegations of fact or denials thereof, except for those of which official notice may be taken, shall be supported by affidavit of a person or persons with personal knowledge thereof. The applicant shall serve a copy of his opposition on the petitioner, and the petitioner shall serve a copy of his reply on the applicant.

(Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309)

[28 FR 12454, Nov. 22, 1963, as amended at 29 FR 7822, June 19, 1964; 30 FR 4479, Apr. 7, 1965; 36 FR 19440, Oct. 6, 1971; 48 FR 1973, Jan. 17, 1983; 49 FR 30945, Aug. 2, 1984; 49 FR 36376, Sept. 17, 1984; 51 FR 2703, Jan. 21, 1986; 53 FR 28940, Aug. 1, 1988; 54 FR 10327, Mar. 13, 1989; 55 FR 10462, Mar. 21, 1990]

ACTION ON APPLICATIONS

AUTHORITY: Sections 1.971 through 1.973 are issued under sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309.

§ 1.971 Grants without a hearing.

(a) The Commission will grant without a hearing an application for a station authorization if it is proper upon its face and if the Commission finds from an examination of such application and supporting data, any pleading filed, or other matters which it may officially notice, that:

(1) There are no substantial and material questions of fact;

(2) The applicant is legally, technically, financially, and otherwise qualified;

(3) A grant of the application would not involve modification, revocation, or non-renewal of any existing license;

(4) A grant of the application would not preclude the grant of any mutually exclusive application; and

(5) A grant of the application would serve the public interest, convenience, and necessity.

(b) If a petition to deny an application has been filed pursuant to § 1.962 and the Commission grants such application pursuant to paragraph (a) of this section, the Commission will deny the petition and issue a concise statement of the reason for such denial and disposing of all substantial issues raised by the petition.

[28 FR 12454, Nov. 22, 1963, as amended at 49 FR 30946, Aug. 2, 1984]

§ 1.972 **Grants by random selection.**

(a) The provisions of this section, including provisions incorporated by reference, may apply to applications for initial licenses:

(1) For stations in the following Private Radio Services:

Part 80—Stations in the Maritime Services
Part 87—Aviation Services
Part 90—Private Land Mobile Services
Part 94—Private Operational-Fixed Microwave Service.

(2) In any other proceedings in the Private Radio Services in which the Commission determines that there is no material difference in competing applicants' abilities to serve the public interest.

(b) Applications in the services specified above shall be tendered, filed, accepted or dismissed, publicly noted, and subject to Petitions to Deny in accordance with § 1.962 and the rules and policies established for each respective service.

(c) If there are mutually exclusive applications for an initial license for stations subject to Part 80 or Part 87, or if there are more applications for initial license in Part 90 or Part 94 than can be accommodated on available frequencies, the Commission may process the applications pursuant to a system of random selection. Each such random selection shall be conducted pursuant to an order issued by the Private Radio Bureau and under the direction of the Chief of the Bureau.

(d) Expedited hearing proceedings may be used to apply comparative criteria to determine which applications will be granted, denied or subjected to random selection. The selection percentages, preferences, and probability calculations prescribed in § 1.1621 *et seq.* of this part are not applicable to any system of random selection conducted in the Private Radio Bureau. Following the random selection, the Commission will announce the tentative selectee and determine whether the tentative selectee is qualified to receive the license under the rules applicable to the respective service. Where authorized under § 1.962, Petitions to Deny which have been filed against the tentative selectee before the random selection will be reviewed and processed prior to grant, in accordance with § 1.962 and rules applicable to each respective service. If the Commission determines that the tentative selectee has satisfied all requirements, i will grant the application. If it is determined that an initial tentative selectee is not qualified to receive the license grant, another tentative selecte chosen from among the same appl cant pool during the same random s lection will be designated until a qual fied applicant is determined. If th Commission determines that a su stantial and material question of fa exists, it will designate the questio for hearing. Hearings may be condu ed by the Commission or the Chief the Private Radio Bureau, or, in t case of a question which requires o testimony for its resolution, an Adm istrative Law Judge.

[48 FR 27201, June 13, 1983, as amended 48 FR 43330, Sept. 23, 1983; 49 FR 30 Aug. 2, 1984; 50 FR 4650, Feb. 1, 1985; 51 31304, Sept. 2, 1986]

§ 1.973 Designation for hearing.

(a) If the Commission is unable to make the findings prescribed in § 1.971(a) and does not utilize the system of random selection prescribed in § 1.972 of this part, it will formally designate the application for hearing on the grounds or reasons then obtaining and will notify the applicant and all other known parties in interest of such action.

(b) Orders designating applications for hearing will specify with particularity the matters in issue.

(c) Parties in interest, if any, who are not notified by the Commission of its action in designating a particular application for hearing may acquire the status of a party to the proceeding by filing a petition for intervention showing the basis of their interest not more than 30 days after publication in the FEDERAL REGISTER of the hearing issues or any substantial amendment thereto.

(d) The applicant and all other parties in interest shall be permitted to participate in any hearing subsequently held upon such applications. Hearings may be conducted by the Commission or by the Chief of the Private Radio Bureau, or, in the case of a question which requires oral testimony for its resolution, an Administrative Law Judge. The burden of proceeding with the introduction of evidence and burden of proof shall be upon the applicant, except that with respect to any issue presented by a Petition to Deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission or the Chief of the Private Radio Bureau.

[48 FR 27202, June 13, 1983]

REPORTS TO BE FILED WITH THE COMMISSION

§ 1.981 Reports, annual and semiannual.

(a) Licensees of stations authorized for developmental operation shall submit a report on the results of the developmental program. The report shall be filed with and made a part of each application for renewal of authorization.

(b) The report shall include comprehensive and detailed information on the following:

(1) The final objective.

(2) Results of operation to date.

(3) Analysis of the results obtained.

(4) Copies of any published reports.

(5) Need for continuation of the program.

(6) Number of hours of operation on each frequency.

(c) Where required by the particular service rules, licensees who have entered into agreements with other persons for the cooperative use of radio station facilities must submit annually an audited financial statement reflecting the nonprofit cost-sharing nature of the arrangement to the Commission's offices in Washington, D.C., no later than three months after the close of the licensee's fiscal year.

Subpart G—Schedule of Statutory Charges and Procedures for Payment

AUTHORITY: Sec. 3001(a), Pub. L. 101-239, 103 Stat. 2106, 47 U.S.C. 158.

SOURCE: 52 FR 5289, Feb. 20, 1987, unless otherwise noted.

§ 1.1101 Authority.

Authority to impose and collect these charges is contained in title III, section 3001 of the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239), revising 47 U.S.C. 158, which directs the Commission to prescribe charges for certain of the regulatory services it provides to many of the communications entities within its jurisdiction. This law revises section 8 of the Communications Act of 1934, as amended, which contains a Schedule of Charges as well as procedures for modifying and collecting these charges.

[55 FR 19155, May 8, 1990]

§ 1.1102 Schedule of charges for private radio service.

Action	FCC form No.	Fee amount	Fee type code	Address
1. Marine Coast Stations:				
a. New, Modification and/or Renewal (per station)	FCC 503, FCC 155	$70	PBM	Federal Communications Commission, Marine Coast Service, P.O. Box 358265, Pittsburgh, PA 15251-5265.
b. Assignments (per station)	FCC 503, FCC 155, FCC 1046	70	PBM	Federal Communications Commission, Marine Coast Service, P.O. Box 358265, Pittsburgh, PA 15251-5265.
c. Renewal of License (per station)	FCC 405A, FCC 155	70	PBM	Federal Communications Commission, 405A Station Renewal, P.O. Box 358270, Pittsburgh, PA 15251-5270.
d. Special Temporary Authority (Initial, Modifications, Extensions) Non-emergency	Corresp. FCC 155	100	PCM	Federal Communications Commission, Feeable Correspondence, P.O. Box 358305, Pittsburgh, PA 15251-5305.
Emergency (Note: Do not send a remittance. You will be billed at a later date.)	N/A	100	PCM	Federal Communications Commission, STA Request, Consumer Assistance Branch, Gettysburg, PA 17326.
2. Ship Stations:				
a. New, Modification and/or Renewal (per application)	FCC 506	35	PAS	Federal Communications Commission, Marine Ship Service, P.O. Box 358275, Pittsburgh, PA 15251-5275.
b. Renewal of License (per application)	FCC 405B	35	PAS	Federal Communications Commission, 405B Station Renewal, P.O. Box 358290, Pittsburgh, PA 15251-5290.
3. Operational Fixed Microwave Stations:				
a. New, Modification and/or Renewal (per station)	FCC 402, FCC 155	155	PEO	Federal Communications Commission, Microwave Service, P.O. Box 358250, Pittsburgh, PA 15251-5250.
b. Assignments (per station)	FCC 402, FCC 155, FCC 1046	155	PEO	Federal Communications Commission, Microwave Service, P.O. Box 358250, Pittsburgh, PA 15251-5250.
c. Renewal of License (per station)	FCC 402R	155	PEO	Federal Communications Commission, Microwave Service Renewal, P.O. Box 358255, Pittsburgh, PA 15251-5255.
d. Special Temporary Authority (Initial, Modifications, Extensions) Non-emergency	Corresp. FCC 155	35	PAO	Federal Communications Commission, Feeable Correspondence, P.O. Box 358305, Pittsburgh, PA 15251-5305.
Emergency (Note: Do not send a remittance. You will be billed at a later date.)	N/A	35	PAO	Federal Communications Commission, STA Request, Consumer Assistance Branch, Gettysburg, PA 17326.
4. Aviation (Ground Stations):				
a. New, Modification and/or Renewal (per station)	FCC 406, FCC 155	70	PBV	Federal Communications Commission, Aviation Ground Service, P.O. Box 358260, Pittsburgh, PA 15251-5260.
b. Assignments (per station)	FCC 406, FCC 155, FCC 1046	70	PBV	Federal Communications Commission, Aviation Ground Service, P.O. Box 358260, Pittsburgh, PA 15251-5260.
c. Renewal of License (per station)	FCC 405A, FCC 155	70	PBV	Federal Communications Commission, 405A Station Renewal, P.O. Box 358270, Pittsburgh, PA 15251-5270.
d. Special Temporary Authority (Initial, Modifications, Extensions) Non-emergency	Corresp. FCC 155	100	PCV	Federal Communications Commission, Feeable Correspondence, P.O. Box 358305, Pittsburgh, PA 15251-5305.

Action	FCC form No.	Fee amount	Fee type code	Address
Emergency (Note: Do not send a remittance. You will be billed at a later date.)	N/A	100	PCV	Federal Communications Commission, STA Request, Consumer Assistance Branch, Gettysburg, PA 17326.
5. Aircraft Stations:				
a. New, Modification and/or Renewal (per application).	FCC 404	35	PAA	Federal Communications Commission, Aviation Aircraft Service, P.O. Box 358280, Pittsburgh, PA 15251-5280.
b. Renewal of License (per application).	FCC 405B	35	PAA	Federal Communications Commission, 405B Station Renewal, P.O. Box 358290, Pittsburgh, PA 15251-5290.
6. Land Mobile Radio Stations:				
a. New, Reinstatement, Modification and/or Renewal (per call sign):				
(i) Land Transportation	FCC 574	35	PAL	Federal Communications Commission, Land Transportation Services, P.O. Box 358215, Pittsburgh, PA 15251-5215.*
(ii) Business	FCC 574	35	PAL	Federal Communications Commission, Business Radio Service, P.O. Box 358220, Pittsburgh, PA 15251-5220.*
(iii) Other Industrial	FCC 574	35	PAL	Federal Communications Commission, Other Industrial Services, P.O. Box 358225, Pittsburgh, PA 15251-5225.*
(iv) 800 MHz	FCC 574	35	PAL	Federal Communications Commission, 800 Megahertz Services, P.O. Box 358235, Pittsburgh, PA 15251-5235.*
(v) 900 MHz	FCC 574	35	PAL	Federal Communications Commission, 900 Megahertz Services, P.O. Box 358240, Pittsburgh, PA 15251-5240.*
(vi) Public Safety and Special Emergency (For-profit only).	FCC 574	35	PAL	Federal Communications Commission, Public Safety/Spec Emerg Services, P.O. Box 358285, Pittsburgh, PA 15251-5285.*
b. Assignments (per station):				
(i) Land Transportation	FCC 574, FCC 1046.	35	PAL	Federal Communications Commission, Land Transportation Services, P.O. Box 358215, Pittsburgh, PA 15251-5215.*
(ii) Business	FCC 574, FCC 1046.	35	PAL	Federal Communications Commission, Business Radio Service, P.O. Box 358220, Pittsburgh, PA 15251-5220.*
(iii) Other Industrial	FCC 574, FCC 1046.	35	PAL	Federal Communications Commission, Other Industrial Services, P.O. Box 358225, Pittsburgh, PA 15251-5225.*
(iv) 800 MHz	FCC 574, FCC 1046.	35	PAL	Federal Communications Commission, 800 Megahertz Services, P.O. Box 358235, Pittsburgh, PA 15251-5235.*
(v) 900 MHz	FCC 574, FCC 1046.	35	PAL	Federal Communications Commission, 900 Megahertz Services, P.O. Box 358240, Pittsburgh, PA 15251-5240.*
(vi) Public Safety and Special Emergency (For-profit only).	FCC 574, FCC 1046.	35	PAL	Federal Communications Commission, Public Safety/Spec Emerg Services, P.O. Box 358285, Pittsburgh, PA 15251-5285.*
c. Renewal of License (per call sign).	FCC 574R	35	PAL	Federal Communications Commission, 574R Land Mobile Renewal, P.O. Box 358245, Pittsburgh, PA 15251-5245.

Action	FCC form No.	Fee amount	Fee type code	Address
	FCC 405A, FCC 155	35	PAL	Federal Communications Commission, 405A Station Renewal, P.O. Box 358270, Pittsburgh, PA 15251-5270.
d. Special Temporary Authority (Initial, Modifications, Extensions) Non-emergency	Corresp. FCC 155	35	PAL	Federal Communications Commission, Feeable Correspondence, P.O. Box 358305, Pittsburgh, PA 15251-5305.
Emergency (Note: Do not send a remittance. You will be billed at a later date.)	N/A	35	PAL	Federal Communications Commission, STA Request, Consumer Assistance Branch, Gettysburg, PA 17326.
e. SMR Waiting List (annual per application)	N/A	35	PAL	Applicants will be billed for the amount due and should remit to the address shown on the bill.
7. General Mobile Radio Service: a. New, Modification and/or Renewal (per call sign)	FCC 574	35	PAL	Federal Communications Commission, General Mobile Radio Service, P.O. Box 358230, Pittsburgh, PA 15251-5230.
b. Renewal of License (per call sign)	FCC 574R	35	PAL	Federal Communications Commission, 574R Land Mobile Renewal, P.O. Box 358245, Pittsburgh, PA 15251-5245.
	FCC 405A, FCC 155	35	PAL	Federal Communications Commission, 405A Station Renewal, P.O. Box 358270, Pittsburgh, PA 15251-5270.
c. Special Temporary Authority (Initial, Modifications, Extensions) Non-emergency	Corresp. FCC 155	35	PAL	Federal Communications Commission, Feeable Correspondence, P.O. Box 358305, Pittsburgh, PA 15251-5305.
Emergency (Note: Do not send a remittance. You will be billed at a later date.)	N/A	35	PAL	Federal Communications Commission, STA Request, Consumer Assistance Branch, Gettysburg, PA 17326.
8. Transfer of Control (all services) (see Note A below) (per call sign).	FCC 703, FCC 155	35	PAT	Federal Communications Commission, Transfer of Control, P.O. Box 358310, Pittsburgh, PA 15251-5310.
9. Comparative Hearing	N/A, FCC 155	6,760	PFH	Federal Communications Commission, Feeable Correspondence, P.O. Box 358305, Pittsburgh, PA 15251-5305.
10. Restricted Radiotelephone Operator Permit.	FCC 753	35	PAR	Federal Communications Commission, Restricted Permit, P.O. Box 358295, Pittsburgh, PA 15251-5295.
11. Restricted Radiotelephone Operator Permit (Limited Use).	FCC 755	35	PAR	Federal Communications Commission, Restricted Permit, P.O. Box 358295, Pittsburgh, PA 15251-5295.
12. Request for Duplicate Station License (all services).	Corresp. FCC 155	35	PAD	Federal Communications Commission, Feeable Correspondence, P.O. Box 358305, Pittsburgh, PA 15251-5305.
13. Routine/Non-Routine Rule Waiver (see Note B below).	Corresp. FCC 155	105	PDW	Federal Communications Commission, Waiver Requests, P.O. Box 358300, Pittsburgh, PA 15251-5300.

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* For Addresses followed by an asterisk (*): Applications requiring coordination *must* first be submitted to the proper Frequency Coordinator, who will subsequently forward them to the FCC address shown. Reinstatements and Renewals *DO NOT* require coordination.

Notes: A. The Fee due for a Transfer of Control application (FCC Form 703) is calculated by multiplying the number of stations (call signs) being transferred by $35. On FCC Form 155 the number of stations being transferred should be entered in Box B of Section I, and the *total* fee due for the entire transfer should be entered in Box C of Section I.

B. All rule waiver requests, with or without accompanying applications, must be filed at the address shown in (13) above. Waiver requests and the applications to which they relate should *not* be filed at separate addresses. Each waiver request must be accompanied by an FCC Form 155 and the correct waiver fee. The associated application, if any, must be accompanied by a separate remittance for the fee due for that application form, and, if required, an FCC Form 155.

[55 FR 19155, May 8, 1990]

§ 1.1103 Schedule of charges for equipment authorization, experimental radio services, international telecommunications settlements, radio operator examinations, and ship inspections.

Action	FCC form No.	Fee amount	Fee type code	Address
1. Certification:				
a. Receivers (except TV and FM receivers)	731/155	$285.00	EEC	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
b. All Other Devices	731/155	735.00	EGC	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
c. Modifications and Class II Permissive Changes	731/155	35.00	EAC	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
d. Request for Confidentiality	731/155	105.00	EBC	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
2. Type Acceptance:				
a. All Devices	731/155	370.00 (*)	EFT	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
b. Modifications and Class II Permissive Changes	731/155	35.00	EAT	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
c. Request for Confidentiality	731/155	105.00	EBT	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
3. Type Approval (all devices):				
a. With Testing (including Major Modifications)	731/155	1,465.00	EHA	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
b. Without Testing (including Minor Modifications)	731/155	170.00	EDA	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
c. Request for Confidentiality	731/155	105.00	EBA	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
4. Notifications	731/155	115.00	ECN	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
5. Advance Approval for Subscription TV System	Corresp/155	2,255.00	EIS	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
a. Request for Confidentiality	Corresp/155	105.00	EBS	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
6. Assignment of Grantee Code for Equipment Identification	Corresp/155	35.00	EAG	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
7. Experimental Radio Service:				
a. New Construction Permit and Station Authorization (per application)	442/155	35.00	EAE	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.

Action	FCC form No.	Fee amount	Fee type code	Address
b. Modification to Existing Construction Permit and Station Authorization (per application)	442/155	35.00	EAE	Federal Communications Commission, Experimental Radio Service, P.O. Box 358320, Pittsburgh, PA 15251-5320.
c. Renewal of Station Authorization (per application)	405/155	35.00	EAE	Federal Communications Commission, Experimental Radio Service, P.O. Box 358320, Pittsburgh, PA 15251-5320.
d. Assignment or Transfer of Control (per application)	702/703/155	35.00	EAE	Federal Communications Commission, Experimental Radio Service, P.O. Box 358320, Pittsburgh, PA 15251-5320.
e. Special Temporary Authority (per application)	Corresp/155	35.00	EAE	Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251-5315.
f. Additional Charge for Applications Containing Requests to Withhold Information From Public Inspection (per application)	Corresp/155	35.00	EAE	Federal Communications Commission, Experimental Radio Service, P.O. Box 358320, Pittsburgh, PA 15251-5320.
8. Restricted Radio Operator Permit:				
a. New, Duplicate or Replacement	FCC 753	35.00	PAR	Federal Communications Commission, P.O. Box 358295, Pittsburgh, PA 15251-3295.
9. Restricted Radio Operator Permit (Alien):				
a. New, Duplicate or Replacement	FCC 755	35.00	PAR	Federal Communications Commission, P.O. Box 358295, Pittsburgh, PA 15251-3295.
10. Marine Radio Operator Permit:				
a. Examination Fee	FCC 756, FCC 155	35.00	FAR	Federal Communications Commission, P.O. Box 358105, Pittsburgh, PA 15251-5105.
b. Duplicate, Renewal or Replacement	FCC 756, FCC 155	35.00	FAR	Federal Communications Commission, P.O. Box 358105, Pittsburgh, PA 15251-5105.
11. General Radiotelephone Operator License:				
a. Examination Fee	FCC 756, FCC 155	35.00	FAR	Federal Communications Commission, P.O. Box 358105, Pittsburgh, PA 15251-5105.
b. Duplicate, Renewal or Replacement	FCC 756, FCC 155	35.00	FAR	Federal Communications Commission, P.O. Box 358105, Pittsburgh, PA 15251-5105.
12. First, Second or Third Class Radiotelegraph Operator's Certificate:				
a. Examination Fee	FCC 756, FCC 155	35.00	FAR	Federal Communications Commission, P.O. Box 358105, Pittsburgh, PA 15251-5105.
b. Duplicate, Renewal or Replacement	FCC 756, FCC 155	35.00	FAR	Federal Communications Commission, P.O. Box 358105, Pittsburgh, PA 15251-5105.
13. Ship Radar Endorsement:				
a. Examination Fee	FCC 756, FCC 155	35.00	FAR	Federal Communications Commission, P.O. Box 358105, Pittsburgh, PA 15251-5105.
14. Passenger Vessel Inspection:				
a. Title III, Part III	FCC 801, FCC 155	320.00	FCS	Federal Communications Commission, P.O. Box 358110, Pittsburgh, PA 15251-5110.
15. Oceangoing Vessel Inspection:				
a. Title III, Part II	FCC 801, FCC 155	620.00	FFS	Federal Communications Commission, P.O. Box 358110, Pittsburgh, PA 15251-5110.
16. Great Lakes Agreement:				
a. Inspection	FCC 801, FCC 155	360.00	FDS	Federal Communications Commission, P.O. Box 358110, Pittsburgh, PA 15251-5110.
17. SOLAS:				
a. Inspection	FCC 801, FCC 155	540.00	FES	Federal Communications Commission, P.O. Box 358110, Pittsburgh, PA 15251-5110.

Action	FCC form No.	Fee amount	Fee type code	Address
18. Temporary Waiver:				
a. Of inspection	FCC 155	60.00	FBS	Federal Communications Commission, P.O. Box 358110, Pittsburgh, PA 15251-5110.
19. International Telecommunications Settlement	FCC 99	2/line item	IAT	Licensees will be billed.

[55 FR 19157, May 8, 1990]

§ 1.1104 Schedule of charges for mass media services.

Action	FCC form No.	Fee amount	Fee type code	Address
1. Commercial Television Stations:				
a. New or Major Change Construction Permit (per application)	FCC 155, 301	$2,535	MVT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251-5165.
b. Minor Change (per application)	FCC 155, 301	565	MPT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251-5165.
c. Hearing (Major/Minor Change, Comparative New, or Comparative Renewal) (per application)	FCC 155, Corres	6,760	MWT	Federal Communications Commission, Mass Media Services, P.O. Box 358170, Pittsburgh, PA 15251-5170.
d. License (per application)	FCC 155, 302	170	MJT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251-5165.
e. License Assignment or Transfer:				
(i) Long Forms (per station license)	FCC 155, 314/315	565	MPT	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251-5350.
(ii) Short Forms (per station license)	FCC 155, 316	80	MDT	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251-5350.
f. License Renewal (per application)	FCC 155, 303-S	100	MGT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251-5165.
g. Call Sign (New or Modification) (per application)	FCC 155, Corres	55	MBT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251-5165.
h. Special Temporary Authorization (other than to remain silent or extend an existing STA to remain silent) (per application)	FCC 155, Corres	100	MGT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251-5165.
i. Extension of Time to Construct or Replacement of Construction Permit (per application)	FCC 155, 307	200	MKT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251-5165.
j. Permit to Deliver Programs to Foreign Broadcast Stations (per application)	FCC 155, 308	55	MBT	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251-5190.
k. Petition for Rulemaking for New Community of License (per application)	FCC 155, 301/302	1,565	MRT	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251-5165.
l. Ownership Report (per annual report)	FCC 155, 323	35	MAT	Federal Communications Commission, Mass Media Services, P.O. Box 358180, Pittsburgh, PA 15251-5180.

Action	FCC form No.	Fee amount	Fee type code	Address
2. Commercial Radio Stations:				
a. New or Major Change Construction Permit:				
(i) AM Station (per application)	FCC 155, 301	2,255	MUR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251-5190.
(ii) FM Station (per application)	FCC 155, 301	2,030	MTR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251-5195.
b. Minor Change:				
(i) AM Station (per application)	FCC 155, 301	565	MPR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251-5190.
(ii) FM Station (per application)	FCC 155, 301	565	MPR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251-5195.
c. Hearing (Major/Minor Change, Comparative New, or Comparative Renewal) (per application).	FCC 155, Corres	6,760	MWR	Federal Communications Commission, Mass Media Services, P.O. Box 358170, Pittsburgh, PA 15251-5170.
d. License:				
(i) AM (per application)	FCC 155, 302	370	MMR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251-5190.
(ii) FM (per application)	FCC 155, 302	115	MHR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251-5195.
(iii) AM Directional Antenna (per application).	FCC 155, 302	425	MOR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251-5190.
(iv) FM Directional Antenna (per application).	FCC 155, 302	355	MLR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251-5195.
(v) AM Remote Control (per application).	FCC 155, 301/301-A.	35	MAR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251-5190.
e. License Assignment or Transfer:				
(i) AM Stations:				
Long Forms (per station license).	FCC 155, 314/315	565	MPR	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251-5350.
Short Forms (per station license).	FCC 155, 316	80	MDR	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251-5350.
(ii) FM Stations:				
Long Forms (per station license).	FCC 155, 314/315	565	MPR	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251-5350.
Short Forms (per station license).	FCC 155, 316	80	MDR	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251-5350.
f. License Renewal:				
(i) AM Stations (per application)	FCC 155, 303-S	100	MGR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251-5190.

Action	FCC form No.	Fee amount	Fee type code	Address
(ii) FM Stations (per application)	FCC 155, 303-S	100	MGR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251-5195.
g. Call Sign (New or Modification) (per application).	FCC 155, Corres.	55	MBR	Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251-5165.
h. Special Temporary Authorization (other than to remain silent or extend an existing STA to remain silent):				
(i) AM Stations (per application)	FCC 155, Corres.	100	MGR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251-5190.
(ii) FM Stations (per application)	FCC 155, Corres.	100	MGR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251-5195.
i. Extension of Time to Construct or Replacement of Construction Permit:				
(i) Am Stations (per application)	FCC 155, 307	200	MKR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251-5190.
(ii) FM Stations (per application)	FCC 155, 307	200	MKR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251-5195.
j. Permit to Deliver Programs to Foreign Broadcast Stations:				
(i) AM Stations (per application)	FCC 155, 308	55	MBR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251-5190.
(ii) FM Stations (per application)	FCC 155, 308	55	MBR	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251-5190.
k. Petition for Rulemaking for New Community of License or Higher Class Channel (per petition).	FCC 155, 301/302	1,565	MRR	Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251-5195.
l. Ownership Report (per annual report).	FCC 155, 323	35	MAR	Federal Communications Commission, Mass Media Services, P.O. Box 358180, Pittsburgh, PA 15251-5180.
3. FM Translators:				
a. New and Major Change Construction Permits (per application).	FCC 155, 349	425	MOF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251-5200.
b. License (per application)	FCC 155, 350	85	MEF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251-5200.
c. Assignment or Transfer (per station license.	FCC 155, 345/316	60	MDF	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251-5350.
d. License Renewal (per application	FCC 155, 348	35	MAF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251-5200
e. Special Temporary Authority (other than to remain silent or extend an existing STA to remain silent) (per application).	FCC 155, Corres.	100	MGF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251-5200

Action	FCC form No.	Fee amount	Fee type code	Address
4. TV Translators and LPTV Stations:				
a. New and Major Change Construction Permits (per application).	FCC 155, 346	425	MOL	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251-5185.
b. License (per application)	FCC 155, 347	85	MEL	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251-5185.
c. Assignment or Transfer (per station license).	FCC 155, 345/316	80	MDL	Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251-5350.
d. License Renewal (per application).	FCC 155, 348	35	MAL	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251-5185.
e. Special Temporary Authority (other than to remain silent or extend an existing STA to remain silent) (per application).	FCC 155, Corres.	100	MGL	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251-5185.
5. Auxiliary Services (includes Remote Pickup stations, TV Auxiliary Broadcast stations, Aural Broadcast stations, Aural Broadcast STL and Intercity Relay stations, and Low Power Auxiliary):				
a. Major Action (per application)	FCC 155, 313	85	MEA	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251-5200.
b. License Renewal (per application).	FCC 155, 313-R	35	MAA	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251-5200.
c. Special Temporary Authority (other than to remain silent or extend an existing STA to remain silent) (per application).	FCC 155, Corres.	100	MGA	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251-5200.
6. FM Booster Stations:				
a. New and Major Change Construction Permits (per application).	FCC 155, 349	425	MOF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251-5200.
b. License (per application)	FCC 155, 350	85	MEF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251-5200.
c. Special Temporary Authority (other than to remain silent or extend an existing STA to remain silent) (per application).	FCC 155, Corres.	100	MGF	Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251-5200.
7. TV Booster Stations:				
a. New and Major Change Construction Permit (per application).	FCC 155, 346	425	MOF	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251-5185.
b. License (per application)	FCC 155, 347	85	MEF	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251-5185.
c. Special Temporary Authority (other than to remain silent or extend an existing STA to remain silent) (per application).	FCC 155, Corres.	100	MGF	Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251-5185.
8. International Broadcast Stations:				
a. New Construction Permit and Facilities Changes CP (per application).	FCC 155, 309	1,705	MSN	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251-5190.

Action	FCC form No.	Fee amount	Fee type code	Address
b. License (per application)	FCC 155, 310	385	MNN	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251-5190.
c. Assignment or Transfer (per station license).	FCC 155, 314/315/316.	60	MCN	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251-5190.
d. License Renewal (per application).	FCC 155, 311	95	MFN	Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251-5190.
e. Frequency Assignment and Coordination (per frequency hour).	FCC 155, Corres.	35	MAN	Federal Communications Commission, Mass Media Services, P.O. Box 358175, Pittsburgh, PA 15251-5175.
f. Special Temporary Authority (other than to remain silent or extend an existing STA to remain silent) (per application).	FCC 155, Corres.	100	MGN	Federal Communications Commission, Mass Media Services, P.O. Box 358175, Pittsburgh, PA 15251-5175.
9. Cable Television Relay Service (CARS):				
a. Cable Television Relay Service:				
(i) Construction Permit (per application).	FCC 155, 327	155	MIC	Federal Communications Commission, Mass Media Services, P.O. Box 358205, Pittsburgh, PA 15251-5205.
(ii) Assignment or Transfer (per station license).	FCC 155, 327	155	MIC	Federal Communications Commission, Mass Media Services, P.O. Box 358205, Pittsburgh, PA 15251-5205.
(iii) License Renewal (per application).	FCC 155, 327	155	MIC	Federal Communications Commission, Mass Media Services, P.O. Box 358205, Pittsburgh, PA 15251-5205.
(iv) Modification (per application)	FCC 155, 327	155	MIC	Federal Communications Commission, Mass Media Services, P.O. Box 358205, Pittsburgh, PA 15251-5205.
(v) Special Temporary Authority (other than to remain silent or extend an existing STA to remain silent) (per application).	FCC 155, Corres.	100	MGC	Federal Communications Commission, Mass Media Services, P.O. Box 358205, Pittsburgh, PA 15251-5205.
b. Cable Special Relief Petitions (per petition).	FCC 155, Corres.	790	MQC	Federal Communications Commission, Mass Media Services, P.O. Box 358205, Pittsburgh, PA 15251-5205.
c. 76.12 Registration Statements (per statement).	FCC 155, Corres.	35	MAC	Federal Communications Commission, Mass Media Services, P.O. Box 358205, Pittsburgh, PA 15251-5205.
d. Aeronautical Frequency Usage Notifications (per notification).	FCC 155, Corres.	35	MAC	Federal Communications Commission, Mass Media Services, P.O. Box 358205, Pittsburgh, PA 15251-5205.
e. Aeronautical Frequency Usage Waivers (per waiver).	FCC 155, Corres.	35	MAC	Federal Communications Commission, Mass Media Services, P.O. Box 358205, Pittsburgh, PA 15251-5205.
10. Direct Broadcast Satellites.				
a. New or Major Change Construction Permit:				
(i) Application for Authorization to Construct a Direct Broadcast Satellite (per request).	FCC 155, Corres.	2,030	MTD	Federal Communications Commission, Mass Media Services, P.O. Box 358210, Pittsburgh, PA 15251-5210.
(ii) Issuance of Construction Permit and Launch Authority (per request).	FCC 155, Corres.	18,710	MXD	Federal Communications Commission, Mass Media Services, P.O. Box 358210, Pittsburgh, PA 15251-5210.

Action	FCC form No.	Fee amount	Fee type code	Address
(iii) License to Operate Satellite (per request).	FCC 155, Corres.	585	MPD	Federal Communications Commission, Mass Media Services, P.O. Box 358210, Pittsburgh, PA 15251-5210.
b. Hearing (Comparative New, Major/Minor Modifications, or Comparative Renewal) (per application).	FCC 155, Corres.	6,760	MWD	Federal Communications Commission, Mass Media Services, P.O. Box 358170, Pittsburgh, PA 15251-5170.
c. Special Temporary Authority (other than to remain silent or extend an existing STA to remain silent) (per application).	FCC 155, Corres.	100	MGD	Federal Communications Commission, Mass Media Services, P.O. Box 358210, Pittsburgh, PA 15251-5210.

[55 FR 19158, May 8, 1990]

§ 1.1105 Schedule of charges for common carrier services.

Action	FCC form No.	Fee amount	Fee type code	Address
1. All Common Carrier Services:				
a. Hearing (Comparative New or Major/Minor Modifications).	FCC 155	$6,760.00	BHZ	Federal Communications Commission, Common Carrier Hearings, P.O. Box 358125, Pittsburgh, PA 15251-5125.
b. Developmental Authority (Same charge as regular authority in service unless otherwise indicated)				
c. Formal Complaints and Pole Attachment Complaints Filing Fee.	Written Request & FCC 155.	120.00	CIZ	Federal Communications Commission, Common Carrier Enforcement, P.O. Box 358120, Pittsburgh, PA 15251-5120.
2. Domestic Public Land Mobile Stations (includes Base, Dispatch, Control and Repeater Stations):				
a. New or Additional Facility (per transmitter).	FCC 401& FCC 155.	230.00	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
b. Major Modifications (per transmitter).	FCC 401 & FCC 155.	230.00	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
c. Fill in Transmitters (per transmitter).	FCC 401 & FCC 155 or FCC 489 & FCC 155.	230.00	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
d. Major Amendment to a Pending Application (per transmitter).	FCC 401 & FCC 155.	230.00	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
e. Assignment of Transfer:				
(i) First Call Sign on Application	FCC 490 & FCC 155.	230.00	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
(ii) Each Additional Call Sign	Same as 2e(i)	35.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
f. Partial Assignment (per call sign)	FCC 401 & FCC 490 & FCC 155.	230.00	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
g. Renewal (per call sign)	FCC 405 & FCC 155.	35.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.

Action	FCC form No.	Fee amount	Fee type code	Address
h. Minor Modifications (per transmitter).	FCC 489 & FCC 155.	35.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
i. Special Temporary Authority (per frequency/per location).	Written Request & FCC 155.	200.00	CLD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
j. Extension of Time to Construct (per application).	FCC 489 & FCC 155.	35.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
k. Notice of Completion of Construction (per application).	FCC 489 & FCC 155.	35.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
l. Auxiliary Test Station (per transmitter).	FCC 401 & FCC 155.	200.00	CLD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
m. Subsidiary Communications Service (per request).	FCC 401 & FCC 155.	100.00	CFD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
n. Reinstatement (per application)	FCC 489 & FCC 155 or FCC 401 & FCC 155.	35.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
o. Combining Call Signs (per call sign).	FCC 489 & FCC 155.	200.00	CLD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
p. Standby Transmitter (per transmitter/per location).	FCC 401 & FCC155.	200.00	CLD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
q. 900 MHz Nationwide paging:				
(i) Renewal:				
(1) Network Organizer	FCC 405 & FCC 155.	35.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
(2) Network Operator (Per operator/per city).	Same as 2q(i)(1)	35.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
r. Air-Ground Individual License (per station):				
(i) Initial License	FCC 409 & FCC 155.	35.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
(ii) Renewal of License	FCC 409 & FCC 155.	35.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
(iii) Modification of License	FCC 409 & FCC 155.	35.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
3. Cellular Systems (per system):				
a. New or Additional Facilities	FCC 401 & FCC 155.	230.00	CMC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
b. Major Modifications	FCC 401 & FCC 155.	230.00	CMC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
c. Minor Modifications	FCC 489 & FCC 155.	60.00	CDC	Federal Communications Commission, Cellular Systems, P.O. Box 358135 Pittsburgh, PA 15251-5135.

Action	FCC form No.	Fee amount	Fee type code	Address
d. Assignment or Transfer (including partial).	FCC 490 & FCC 155.	230.00	CMC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
e. License to Cover Construction: (i) Initial License for Wireline Carrier.	FCC 489 & FCC 155.	595.00	CTC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
(ii) Subsequent License for Wireline Carrier.	FCC 489 & FCC 155.	60.00	CDC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
(iii) License for Nonwireline Carrier.	FCC 489 & FCC 155.	60.00	CDC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
(iv) Fill in License (all carriers)	FCC 489 & FCC 155.	60.00	CDC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
f. Renewal	FCC 405 & FCC 155.	35.00	CAC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
g. Extension of Time to Complete Construction.	FCC 489 & FCC 155.	35.00	CAC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
h. Special Temporary Authority (per system).	Written Request & FCC 155.	200.00	CLC	Federal Communications Commission, Cellular Systems, P.O Box 358135, Pittsburgh, PA 15251-5135.
i Combining Cellular Geographic Service Areas (per system).	Written Request & FCC 155.	50.00	CBC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
4. Rural Radio (includes Central Offices, Interoffice, or Relay Facilities):				
a. New or Additional Facility (per transmitter).	FCC 401 & FCC 155.	105.00	CGR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
b. Major Modifications (per transmitter).	FCC 401 & FCC 155.	105.00	CGR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
c. Major Amendment to a Pending Application (per transmitter).	FCC 401 & FCC 155.	105.00	CGR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
d. Minor Modifications (per transmitter).	FCC 489 & FCC 155.	35.00	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
e. Assignment or Transfer: (i) First Call Sign on Application	FCC 490 & FCC 155.	105.00	CGR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
(ii) Each Additional Call Sign	Same as 4e(i)	35.00	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
(iii) Partial Assignment (per call sign).	FCC 401 & FCC 490 & FCC 115.	105.00	CGR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
f. Renewal (per call sign).....................	FCC 405 & FCC 155.	35.00	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
g. Extension of Time to Cnstruct (per application).	FCC 489 & FCC 155.	35.00	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
h. Notice of Completion of Construction (per application).	FCC 489 & FCC 155.	35.00	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.

Action	FCC form No.	Fee amount	Fee type code	Address
i. Special Temporary Authority (per frequency/per location).	Written Request & FCC 155.	200.00	CLR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
j. Reinstatement (per application)	FCC 489 & FCC 155 or FCC 401 & FCC 155.	35.00	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
k. Combining Call Signs (per call sign).	FCC 489 & FCC 155.	200.00	CLR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
l. Auxiliary Test Station (per transmitter).	FCC 401 & FCC 155.	200.00	CLR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
m. Standby Transmitter (per transmitter/per location).	FCC 401 & FCC 155.	200.00	CLR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
5. Offshore Radio Service (Mobile, Subscriber, and Central Stations; fees would also apply to any expansion of this service into coastal waters other than the Gulf of Mexico):				
a. New or Additional Facility (per transmitter).	FCC 401 & FCC 155.	105.00	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
b. Major Modifications (per transmitter).	FCC 401 & FCC 155.	105.00	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
c. Fill In Transmitter (per transmitter).	FCC 401 & FCC 155 or FCC 489 & FCC 155.	105.00	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
d. Major Amendment to a Pending Application (per transmitter).	FCC 401 & FCC 155.	105.00	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
e. Minor Modifications (per transmitter).	FCC 489 & FCC 155.	35.00	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
f. Assignment or Transfer:				
(i) First Call Sign on Application	FCC 490 & FCC 155.	105.00	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
(ii) Each Additional Call Sign	Same as 5f(i)	35.00	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
(iii) Partial Assignment (per call sign).	FCC 401 & FCC 490 & FCC 155.	105.00	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
g. Renewal (per call sign)	FCC 405 & FCC 155.	35.00	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
h. Extension of Time to Construct (per application).	FCC 489 & FCC 155.	35.00	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
i. Reinstatement (per application)	FCC 489 & FCC 155 or FCC 401 & FCC 155.	35.00	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.

Action	FCC form No.	Fee amount	Fee type code	Address
j. Notice of Completion of Construction (per application).	FCC 489 & FCC 155.	35.00	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
k. Special Temporary Authority (per frequency/per location).	Written Request & FCC 155.	200.00	CLF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
l. Combining Call Signs (per call sign).	FCC 489 & FCC 155.	200.00	CLF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
m. Auxiliary Test Station (per transmitter).	FCC 401 & FCC 155.	200.00	CLF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
n. Standby Transmitter (per transmitter/per location).	FCC 401 & FCC 155.	200.00	CLF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
6. Point-to-Point Microwave and Local Television Radio Service:				
a. Conditional License (per station)	FCC 494 & FCC 155.	155.00	CJP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
b. Major Modification of Conditional License or License Authorization (per station).	FCC 494 & FCC 155.	155.00	CJP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
c. Certificate of Completion of Construction (per station).	FCC 494-A & FCC 155.	155.00	CJP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
d. Renewal (per licensed station)	FCC 405 & FCC 155.	155.00	CJP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
e. Assignment or Transfer:				
(i) First Station on Application	FCC 702 & FCC 155 or FCC 704 & FCC 155.	55.00	CCP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
(ii) Each Additional Station	Same as 6e(i)	35.00	CAP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
f. Extension of Construction Authorization (per station).	FCC 701 & FCC 155.	55.00	CCP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
g. Special Temporary Authority or Request for Waiver of Prior Construction Authorization (per request).	Written Request & FCC 155.	70.00	CEP	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
7. Multipoint Distribution Service (including multichannel MDS):				
a. Conditional License (per station)	FCC 494 & FCC 155.	155.00	CJM	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
b. Major Modification of Conditional License or License Authorization (per station).	FCC 494 & FCC 155.	155.00	CJM	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
c. Certificate of Completion of Construction (per channel).	FCC 494-A FCC 155.	455.00	CPM	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.

Action	FCC form No.	Fee amount	Fee type code	Address
d. Renewal (per licensed station)	FCC 405 & FCC 155.	155.00	CJM	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
e. Assignment or Transfer:				
(i) First Station on Application	FCC 702 & FCC 155 or FCC 704 & FCC 155.	55.00	CCM	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
(ii) Each Additional Station	Same as 7e(i)	35.00	CAM	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
f. Extension of Construction Authorization (per station).	FCC 701 & FCC 155.	110.00	CCM	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
g. Special Temporary Authority or Request for Waiver of Prior Construction Authorization (per request).	Written Request & FCC 155.	70.00	CEM	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
8. Digital electronic Message Service:				
a. Conditional License (per nodal station).	FCC 494 & FCC 155.	155.00	CJL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
b. Major Modification of Conditional License or License Authorization (per nodal station).	FCC 494 & FCC 155.	155.00	CJL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
c. Certificate of Completion of Construction (per nodal station).	FCC 494-A & FCC 155.	155.00	CJL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
d. Renewal (per licensed nodal station).	FCC 405 & FCC 155.	155.00	CJL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-51355
e. Assignment or Transfer:				
(i) First Station on Application	FCC 702 & FCC 155 or FCC 704 & FCC 155.	55.00	CCL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
(ii) Each Additional Station	Same as 8e(i)	35.00	CAL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
f. Extension of Construction Authorization (per station).	FCC 701 & FCC 155.	55.00	CCL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
g. Special Temporary Authority or Request for Waiver of Prior Construction Authorization (per request).	Written Request & FCC 155.	70.00	CEL	Federal Communications Commission, Common Carrier Domestic Radio, P.O. Box 358155, Pittsburgh, PA 15251-5155.
9. International Fixed Public Radio (Public & Control Stations):				
a. Initial Construction Permit (per station).	FCC 407 & FCC 155.	510.00	CSN	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
b. Assignment or Transfer (per application).	FCC 702 & FCC 155 or FCC 704 & FCC 155.	510.00	CSN	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
c. Renewal (per license)	FCC 405 & FCC 155.	370.00	CON	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.

Action	FCC form No.	Fee amount	Fee type code	Address
d. Modification (per station)	FCC 403 & FCC 155.	370.00	CON	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
e. Extension of Construction Authorization (per station)	FCC 701 & FCC 155.	185.00	CKN	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
f. Special Temporary Authority or Request for Waiver (per request)	Written Request & FCC 155.	185.00	CKN	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
10. Fixed Satellite Transmit/Receive Earth Stations:				
a. Initial Application (per station):				
Domestic	FCC 493 & FCC 155.	1,525.00	BAX	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	FCC 493 & FCC 155.	1,525.00	BAX	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
b. Modification of License (per station):				
Domestic	FCC 493 & FCC 155.	105.00	CGX	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	FCC 493 & FCC 155.	105.00	CGX	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
c. Assignment or Transfer:				
(i) First Station on Application:				
Domestic	FCC 702 & FCC 155 or FCC 704 & FCC 155.	300.00	CNX	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	FCC 702 & FCC 155 or FCC 704 & FCC 155.	300.00	CNX	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
(ii) Each Additional Station:				
Domestic	Same as 10c(i)	100.00	CFX	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	Same as 10c(i)	100.00	CFX	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
d. Developmental Station (per station):				
Domestic	FCC 493 & FCC 155.	1,000.00	CWX	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	FCC 493 & FCC 155.	1,000.00	CWX	Federal Communications Commissio Common Carrier International, P.O Box 358115, Pittsburgh, PA 15251-5115.
e. Renewal of License (per station):				
Domestic	FCC 405 & FCC 155.	105.00	CGX	Federal Communications Commissio Common Carrier Dom. Earth Sta tions, P.O. Box 358160, Pittsburg PA 15251-5160.
International	FCC 405 & FCC 155.	105.00	CGX	Federal Communications Commissio Common Carrier International, P.O Box 358115, Pittsburgh, PA 1525 5115.

Action	FCC form No.	Fee amount	Fee type code	Address
f. Special Temporary Authority or Waiver of Prior Construction Authorization (per request):				
Domestic	Written Request & FCC 155.	105.00	CGX	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	Written Request & FCC 155.	105.00	CGX	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
g. Amendment of Application (per station):				
Domestic	Written Request & FCC 155.	105.00	CGX	Federal Communications Commission, Common Carrier Dom. Earth Stations. P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	Written Request & FCC 155.	105.00	CGX	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
h. Extension of Construction Permit (per station):				
Domestic	FCC 701 & FCC 155.	105.00	CGX	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	FCC 701 & FCC 155.	105.00	CGX	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgn, PA 15251-5115.
11. Small Transmit/Receive Earth Stations (2 meters or less and operating in the 4/6GHz frequency ban):				
a. Lead Application	FCC 493 & FCC 155.	3,380.00	BDS	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
b. Routine Application (per station)	FCC 493 & FCC 155.	35.00	CAS	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
c. Modification of License (per station).	FCC 493 & FCC 155.	105.00	CGS	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
d. Assignment or Transfer:				
(i) First Station on Application:	FCC 702 & FCC 155 or FCC 704 & FCC 155.	300.00	CNS	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
(ii) Each Additional Station	Same as 11d(i)	35.00	CAS	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
e. Developmental Station (per station).	FCC 493 & FCC 155.	1,000.00	CWS	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
f. Renewal of License (per station)	FCC 405 & FCC 155.	105.00	CGS	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
g. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).	Written Request & FCC 155.	105.00	CGS	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
h. Amendment of Application (per station).	Written Request & FCC 155.	105.00	CGS	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.

Action	FCC form No.	Fee amount	Fee type code	Address
i. Extension of Construction Permit (per station)	FCC 701 & FCC 155.	105.00	CGS	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
12. Receive Only Earth Stations:				
a. Initial Application for Registration:				
Domestic	FCC 493 & FCC 155.	230.00	CMO	Federal Communications Commission, Common Carrier, Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	FCC 493 & FCC 155.	230.00	CMO	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
b. Modification of License or Registration (per station):				
Domestic	FCC 493 & FCC 155.	105.00	CGO	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	FCC 493 & FCC 155.	105.00	CGO	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
c. Assignment or Transfer:				
(i) First Station on Application:				
Domestic	FCC 702 & FCC 155 or FCC 704 & FCC 155.	300.00	CNO	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	FCC 702 & FCC 155 or FCC 704 & FCC 155.	300.00	CNO	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
(ii) Each Additional Station:				
Domestic	Same as 12c(i)	100.00	CFO	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	Same as 12c(i)	100.00	CFO	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
d. Renewal of License (per station):				
Domestic	FCC 405 & FCC 155.	105.00	CGO	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	FCC 405 & FCC 155.	105.00	CGO	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
e. Amendment of Application (per station):				
Domestic	Written Request & FCC 155.	105.00	CGO	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	Written Request & FCC 155.	105.00	CGO	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
f. Extension of Construction Permit (per station):				
Domestic	FCC 701 & FCC 155.	105.00	CGO	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	FCC 701 & FCC 155.	105.00	CGO	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.

Action	FCC form No.	Fee amount	Fee type code	Address
g. Waivers (per request):				
Domestic	Written Request & FCC 155.	105.00	CGO	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	Written Request & FCC 155.	105.00	CGO	Federal Communications Commission Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
13. Very Small Aperture Terminal (VSAT) Systems:				
a. Initial Application (per system)	FCC 493 & FCC 155.	5,630.00	BGV	Federal Communications Commission, Common Carrier Dom. Eartn Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
b. Modification of License (per system).	FCC 493 & FCC 155.	105.00	CGV	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
c. Assignment or Transfer of System.	FCC 702 & FCC 155 or FCC 704 & FCC 155.	1,505.00	CZV	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
d. Developmental Station	FCC 493 & FCC 155.	1,000.00	CWV	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358150, Pittsburgh, PA 15251-5160.
e. Renewal of License (per system)	FCC 405 & FCC 155.	105.00	CGV	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
f. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).	Written Request & FCC 155.	105.00	CGV	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
g. Amendment of Application (per system).	Written Request & FCC 155.	105.00	CGV	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
h. Extension of Construction Permit (per system).	FCC 701 & FCC 155.	105.00	CGV	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
14. Mobile Satellite Earth Stations:				
a. Initial Application of Blanket Authorization.	FCC 493 & FCC 155.	5,630.00	BGB	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
b. Initial Application for Individual Earth:				
Station	FCC 493 & FCC 155.	1,350.00	CYB	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
c. Modification of License (per system).	FCC 493 & FCC 155.	105.00	CGB	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
d. Assignment or Transfer (per system).	FCC 702 & FCC 155 or FCC 704 & FCC 155.	1,505.00	CZB	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
e. Developmental Station	FCC 493 & FCC 155.	1,000.00	CWB	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
f. Renewal of License (per system)	FCC 405 & FCC 155.	105.00	CGB	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.

Action	FCC form No.	Fee amount	Fee type code	Address
g. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).	Written Request & FCC 155.	105.00	CGB	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
h. Amendment of Application (per system).	Written Request & FCC 155.	105.00	CGB	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
i. Extension of Construction Permit (per system).	FCC 701 & FCC 155.	105.00	CGB	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
15. Radiodetermination Satellite Earth Stations:				
a. Initial Application of Blanket Authorization.	FCC 493 & FCC 155.	5,630.00	BGH	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
b. Initial Application for Individual Earth Station.	FCC 493 & FCC 155.	1,350.00	CYH	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
c. Modification of License (per system).	FCC 493 & FCC 155.	105.00	CGH	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
d. Assignment or Transfer (per system).	FCC 702 & FCC 155 or FCC 704 & FCC 155.	1,505.00	CZH	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
e. Developmental Station	FCC 493 & FCC 155.	1,000.00	CWH	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
f. Renewal of License (per system)	FCC 405 & FCC 155.	105.00	CGH	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
g. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).	Written Request & FCC 155.	105.00	CGH	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
h. Amendment of Aplication (per system).	Written Request & FCC 155.	105.00	CGH	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
i. Extension of Construction Permit (per system).	FCC 701 & FCC 155.	105.00	CGH	Federal Communications Commission, Common Carrier Dom. Satellites, P.O. Box 358160, Pittsburgh, PA 15251-5160.
16. Space Stations:				
a. Application for Authority to Construct:				
Domestic	Written Request & FCC 155.	2,030.00	BBY	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	Written Request & FCC 155.	2,030.00	BBY	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
b. Application for Authority to Launch & Operate:				
(i) Initial Application:				
Domestic	Written Request & FCC 155.	70,000.00	BNY	Federal Communications Commission, Common Carrier Dom. Satellites, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	Written Request & FCC 155.	70,000,00	BNY	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5160.

Action	FCC form No.	Fee amount	Fee type code	Address
(ii) Replacement Satellite:				
Domestic	Written Request & FCC 155.	70,000.00	BNY	Federal Communications Commission, Common Carrier Dom. Satellites, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	Written Request & FCC 155.	70,000.00	BNY	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
Assignment or Transfer (per satellite):				
Domestic	FCC 702 & FCC 155 or FCC 704 & FCC 155.	5,000.00	BFY	Federal Communications Commission, Common Carrier Dom. Satellites, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	FCC 702 & FCC 155 or FCC 704 & FCC 155.	5,000.00	BFY	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
Modification:				
Domestic	Written Request & FCC 155.	5,000.00	BFY	Federal Communications Commission, Common Carrier Dom. Satellites, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	Written Request & FCC 155.	5,000.00	BFY	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
Special Temporary Authority or Waiver of Prior Construction Authorization (per request):				
Domestic	Written Request & FCC 155.	500.00	CRY	Federal Communications Commission, Common Carrier Dom. Satellites, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	Written Request & FCC 155.	500.00	CRY	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
Amendment of Application:				
Domestic	Written Request & FCC 155.	1,000.00	CWY	Federal Communications Commission, Common Carrier Dom. Satellites, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	Written Request & FCC 155.	1,000.00	CWY	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
Extension of Construction Permit/Launch Authorization (per request):				
Domestic	Written Request & FCC 155.	500.00	CRY	Federal Communications Commission, Common Carrier Dom. Satellites, P.O. Box 358160, Pittsburgh, PA 15251-5160.
International	Written Request & FCC 155.	500.00	CRY	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
Section 214 Applications:				
Overseas Cable Construction	Written Request & FCC 155.	9,125.00	BIT	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
Cable Landing License:				
(i) Common Carrier	Written Request & FCC 155.	1,025.00	CXT	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.

Action	FCC form No.	Fee amount	Fee type code	Address
(ii) Replacement Satellite	Written Request & FCC 155.	10,150.00	BJT	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
c. Domestic Cable Construction	Written Request & FCC 155.	610.00	CUT	Federal Communications Commission, Common Carrier Domestic Services, P.O. Box 358145, Pittsburgh, PA 15251-5145.
d. All Other 214 Applications:				
Domestic	Written Request & FCC 155.	610.00	CUT	Federal Communications Commission, Common Carrier Domestic Services, P.O. Box 358145, Pittsburgh, PA 15251-5145.
International	Written Request & FCC 155.	610.00	CUT	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
e. Special Temporary Authority (all services):				
Domestic	Written Request & FCC 155.	610.00	CUT	Federal Communications Commission, Common Carrier Domestic Services, P.O. Box 358145, Pittsburgh, PA 15251-5145.
International	Written Request & FCC 155.	610.00	CUT	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
f. Assignments or Transfers (all services):				
Domestic	Written Request & FCC 155.	610.00	CUT	Federal Communications Commission, Common Carrier Domestic Services, P.O. Box 358145, Pittsburgh, PA 15251-5145.
International	Written Request & FCC 155.	610.00	CUT	Federal Communications Commission, Common Carrier International, P.O. Box 358115, Pittsburgh, PA 15251-5115.
18. Recognized Private Operating Status (per application).	Written Request & FCC 155.	610.00	CUG	Federal Communication Commission, Common Carrier Interntional, P.O. Box 358115, Pittsburgh, PA 15251-5115.
19. Telephone Equipment Registration	FCC 730 & FCC 155.	155.00	CJQ	Federal Communications Commission, Common Carrier Domestic Services, P.O. Box 358145, Pittsburgh, PA 15251-5145.
20. Tariff Filings:				
a. Filing Fee	Written Request & FCC 155.	490.00	CQK	Federal Communiations Commission, Tariff Filings, P.O. Box 358150, Pittsburgh, PA 15251-5150.
b. Special Permission Filing (per filing).	Written Request & FCC 155.	490.00	CQK	Federal Communications Commission, Tariff Filings, P.O. Box 358150, Pittsburgh, PA 15251-5150.
21. Accounting and Audits:				
a. Field Audit	N/A	62,290.00	N/A	Carriers will be billed.
b. Review of Attest Audit	N/A	34,000.00	N/A	Carriers will be billed.
c. Review of Depreciation Update Study (Single State).	Written Study & FCC 155.	20,685.00	BKA	Federal Communications Commission, Accounting and Audits, P.O. Box 358140, Pittsburgh, PA 15251-5140.
(i) Each Additional State	Same as 21c	680.00	CVA	Federal Communications Commission, Accounting and Audits, P.O. Box 358140, Pittsburgh, PA 15251-5140.
d. Interpretation of Accounting Rules (per request).	Written Request & FCC 155.	2,885.00	BCA	Federal Communications Commission, Accounting and Audits, P.O. Box 358140, Pittsburgh, PA 15251-5140.
e. Petition for Waiver (per petition)	Written Request & FCC 155.	4,660.00	BEA	Federal Communications Commission, Accounting and Audits, P.O. Box 358140, Pittsburgh, PA 15251-5140.

[55 FR 19162, May 8, 1990]

§ 1.1106 Attachment of charges.

The charges required to accompany a request for the Commission regulatory services listed in §§ 1.1102 through 1.1105 of this subpart will not be refundable to the applicant irrespective of the Commission's disposition of that request. Return or refund of charges will be made in certain limited instances as set out at § 1.1111 of this subpart.

§ 1.1107 Payment of charges.

(a) Each application or other filing submitted to the Commission on or after May 21, 1990, for which a fee is prescribed by §§ 1.1102 through 1.1105 of this subpart must be accompanied by a remittance in the full amount of the fee due and FCC Form 155. Except that a separate Fee Form (FCC Form 155) will not be required once the information requirements of that form (the Fee Code, fee amount, and total fee remitted) are incorporated into the underlying application form.

Note: This requirement for the simultaneous submission of fees with applications or other filings does not apply to the payment of fees for which the Commission has established a billing process. See § 1.1117 of this subpart.

(1) A single FCC Form 155 may be used when paying multiples of a single type of fee for authorizations that may be requested in one application or request and/or for up to five different authorizations (with different fee codes) that may be requested in the same application or request.

(2) Applications or requests subject to fees that are submitted without the FCC Form 155 will be dismissed. Improperly completed FCC Forms 155 may subject the underlying filing to dismissal under paragraph (b).

(b) Filings subject to a fee under this subpart that are submitted without a fee, with an insufficient fee, with a fee payment in an improper form (see § 1.1108), or with a payment instrument that is uncollectable shall be dismissed and the application returned to the applicant or its designated agent without processing. See also § 1.1114.

(c) Unless otherwise stated in this subpart, no application or other filing will be deemed sufficient for processing unless the correct fee is attached. The Commission reserves the right to discontinue processing and dismiss any application or filing if, at any time, bureau or office staff discover upon further examination that an insufficient fee has been submitted.

(d) Application returned to applicants for additional information or corrections will not require an additional fee when resubmitted, unless the additional information results in an increase of the original fee amount. The additional fee will then be required with the resubmission. The entire fee will be forfeited if the application is not resubmitted to the Commission by the appropriate resubmission deadline. Applicants should attach a copy of the Commission request for additional or corrected information, or a stamped copy of the original submission, to their resubmission.

(e) Should the staff change the status of an application, resulting in an increase in the fee due, the applicant will be billed for the remainder under the conditions established by § 1.110(b) of the rules.

Note: Due to the statutory requirements applicable to tariff filings, the procedures for handling tariff filings may vary from the procedures set out in the rules.

[52 FR 5289, Feb. 20, 1987, as amended at 53 FR 40888, Oct. 19, 1988; 55 FR 19171, May 8, 1990]

§ 1.1108 Form of payment.

(a) Fee payments should be in the form of a check, bank draft or money order denominated in U.S. dollars and deposited in a United States financial institution. These payment instruments must be made payable to the Federal Communications Commission. The Commission discourages applicants from sending cash and will not be responsible for cash sent through the mails.

(b) Applicants are required to submit one payment instrument (check, bank draft or money order) and FCC Form 155 with each application or filing. Multiple payment instruments for a single application or filing are not permitted. Except that a separate Fee Form (FCC Form 155) will not be required once the information requirements of that form (the Fee Code, fee amount, and total fee remitted) are incorporated into the underlying application form.

(c) The Commission may accept multiple money orders in payment of a fee for a single application where the fee exceeds the maximum amount for a money order established by the issuing agency and the use of multiple money orders is the only practical method available for fee payment.

(d) The Commission may require payment of fees with a cashier's check upon notification to an applicant or filer or prospective group of applicants under the conditions set forth below. This method of payment will be required only after an applicant has received a letter from the Commission detailing the terms and conditions of payment or the Commission has released a Public Notice requiring this method of payment for a future filing period.

(1) Payment by cashier's check may be required when

(i) A person or organization has, on two or more occasions made payment with a payment instrument on which the Commission does not receive final payment, as defined by § 1.1110, and such failure is not excused by bank error or;

(ii) The numbers of expected receipts for a particular filing window or time frame justifies the use of a cashier's check to ensure final payment before the Commission expends resources in processing the submissions.

(e) All fees collected will be paid into the general fund of the United States Treasury in accordance with Pub. L. 99-272.

(f) Receipts for fee submissions will not be furnished. An applicant may request a copy of its application date stamped by the Commission. An extra copy of the application should be provided for this purpose, and those filing by mail should provide a stamped, self-addressed envelope for the return of the date stamped copy of the application. Applicants filing through frequency coordinators (see §§ 1.912 and 1.1102 of this part) may obtain a date stamped copy of their application as filed in this manner.

[52 FR 5289, Feb. 20, 1987; 52 FR 38232, Oct. 15, 1987, as amended at 53 FR 40888, Oct. 19, 1988; 55 FR 19171, May 8, 1990]

§ 1.1109 Filing locations.

(a) Except as noted herein, applications or other filings, with attached fees and FCC Form 155 must be submitted to the locations and addresses set forth in §§ 1.1102 through 1.1105 of the Commission's rules.

(1) Tariff filings shall be filed with the Federal Communications Commission, Washington, DC. On the same day, the filer should submit a copy of the cover letter, the FCC Form 155, and the appropriate fee to the Mellon Bank at the address established in § 1.1105.

(2) Fee Bills will be paid at the Mellon Bank at the address for the appropriate service as established in §§ 1.1102 through 1.1105, as set forth on the bill sent by the Commission. Payments must be accompanied by a copy of the bill sent by the Commission.

(3) Fees submitted with petitions for reconsideration or applications for review of fee decisions pursuant to § 1.1116(b) of this subpart will be paid at the Fee Section, Federal Communications Commission, Washington, DC 20554.

(4) Applicants claiming an exemption from otherwise applicable fees under 47 U.S.C. 158(d)(1) or § 1.1112 of this subpart shall file their applications in the appropriate location as set forth in the rules for the service for which they are applying. Such applications should not be filed at the Mellon Bank.

(b) All materials must be submitted as one package. The Commission will not take responsibility for matching fees, forms and applications submitted at different times or locations. Materials submitted at other than the location and address required by § 0.401(b) and paragraph (a) of this section will be returned to the applicant or filer.

[55 FR 19171, May 8, 1990]

§ 1.1110 Conditionality of Commission or staff authorizations.

(a) Any instrument of authorization granted by the Commission, or by its

taff under delegated authority, will
e conditioned upon final payment of
he applicable fee and timely payment
f bills issued by the Commission. As
pplied to checks, bank drafts and
noney orders, final payment shall
nean receipt by the Treasury of funds
leared by the financial institution on
hich the check, bank draft or money
rder is drawn.

(1) If, prior to a grant of an instru-
nent of authorization, the Commis-
on is notified that final payment has
ot been made, the application or
ling will be:

(i) Dismissed and returned to the ap-
licant;

(ii) Shall lose its place in the proc-
ssing line;

(iii) And will not be accorded *nunc*
ro tunc treatment if resubmitted
fter the relevant filing deadline.

(2) If, subsequent to a grant of an in-
rument of authorization, the Com-
ission is notified that final payment
as not been made, the Commission
ill:

(i) Automatically rescind that instru-
ent of authorization for failure to
eet the condition imposed by this
bsection; and

(ii) Notify the grantee of this action;
d

(iii) Not permit *nunc pro tunc* treat-
ent for the resubmission of the ap-
ication or filing if the relevant dead-
ne has expired.

3) Upon receipt of a notification of
scision of the authorization, the
antee will immediately cease oper-
ions initiated pursuant to the au-
orization.

b) In those instances where the
ommission has granted a request for
ferred payment of a fee or issued a
ll payable at a future date, further
ocessing of the application or filing,
the grant of authority, shall be con-
tioned upon final payment of the
e, plus other required payments for
e payments, by the date prescribed
the deferral decision or bill. Failure
comply with the terms of the defer-
l decision or bill shall result in the
tomatic dismissal o' the submission
rescission of the Commission author-
ation for failure to meet the condi-
n imposed by this subpart. The
ommission reserves the right to
return payments received after the date established on the bill and exercise the conditions attached to the application. The Commission shall:

(1) Notify the grantee that the authorization has been rescinded;

(i) Upon such notification, the grantee will immediately cease operations initiated pursuant to the authorization.

(2) Not permit *nunc pro tunc* treatment to applicants who attempt to refile after the original deadline for the underlying submission.

(c) Where the procedures outlined in paragraphs (a) and (b) of this section would not provide a meaningful incentive to pay a fee that is due or would not be a meaningful sanction for failure to pay such a fee, in the alternative to those procedures, the Commission may, in its discretion, withhold processing and/or grant of any other application or filing made by a person or organization who has failed to make full payment of any fee due under this subpart.

(1) Before taking such action, the staff will make a written request for the fee, together with any penalties that may be due under this subpart. Such request shall inform the applicant/filer that failure to pay will result in the Commission's withholding action on any other application or request filed by the applicant. The staff shall also inform the applicant of the procedures for seeking Commission review of the staff's fee determination.

(2) If, after final determination that the fee is due, the applicant fails to pay the fee in a timely manner, the staff may terminate the processing and/or withhold a grant of any other application or filing pending or later filed by the applicant, until the matter is resolved.

[52 FR 5289, Feb. 20, 1987, as amended at 55 FR 19171, May 8, 1990]

§ 1.1111 Return or refund of charges.

(a) The full amount of any fee submitted will be returned or refunded, as appropriate, in the following circumstances:

(1) When no fee is required for the application or other filing.

(2) When the fee processing staff or bureau/office determines that an insufficient fee has been submitted within 30 calendar days of receipt of the application or filing and the application or filing is dismissed.

(3) When the application is filed by an applicant who cannot fulfill a prescribed age requirement.

(4) When the Commission adopts new rules that nullify applications already accepted for filing, or new law or treaty would render useless a grant or other positive disposition of the application.

(5) When a waiver is granted in accordance with this subpart.

NOTE: Payments in excess of an application fee will be refunded only if the overpayment is $8 or more.

(b) When an application for new or modified facilities is not timely filed in accordance with the filing window as established by the Commission in a public notice specifying the earliest and latest dates for filing such applications.

(c) Applicants in the Mass Media Services designated for comparative hearings will be entitled to a grant without payment of the hearing fee or a refund of the hearing fee paid in the following circumstances.

(1) When a settlement agreement filed with the presiding judge by the Notice of Appearance deadline (see § 1.221) provides for the dismissal of all but one of the applicants, and the single remaining applicant is immediately grantable, no hearing fee is due. However, if the applicant cannot be granted without resolution of matters specified in the designation order, it must pay the hearing fee. That payment will be refunded upon request if all outstanding matters can be deleted. See § 1.229.

(2) When only one applicant files a Notice of Appearance and pays the hearing fee, that single remaining applicant will be entitled to a refund of the hearing fee upon request if it is immediately grantable or if all matters specified in the designation order and requiring resolution can be deleted. See § 1.229.

(3) However, hearing fees paid pursuant to (1) or (2) above will be retained by the Commission in any case requiring a decision on the merits of an applicant's post-designation amendment or evidentiary showing, whether by Summary Decision or otherwise. See §§ 1.251 and 1.267.

[52 FR 5289, Feb. 20, 1987, as amended at 53 FR 40889, Oct. 19, 1988]

§ 1.1112 General exemptions to charges.

No fee established in §§ 1.1102 through 1.1105 of this subpart, unless otherwise qualified herein, shall be required for:

(a) Applications filed for the sole purpose of modifying an existing authorization (or a pending application for authorization) in order to comply with new or additional requirements of the Commission's rules or the rules of another Federal agency. However, if the applicant also requests an additional modification, renewal, or other action, the appropriate fee for such additional request must accompany the application. Cases in which a fee will be paid include applications by FM and TV licensees or permittees seeking to upgrade channel after a rulemaking.

(b) Applicants in the Special Emergency Radio and Public Safety Radio Services that are government entities or nonprofit entities. Applicants claiming nonprofit status must include a current Internal Revenue Service Determination Letter documenting this nonprofit status.

(c) Applicants, permittees or licensees of noncommercial educational broadcast stations in the FM or TV services, as well as AM applicants, permittees or licensees who certify that the station will operate or does operate in accordance with § 73.503 of the rules.

(d) Applicants, permittees, or licensees qualifying under § 1.1112(c) requesting Commission authorization in any other mass media radio service (except the international broadcast (HF) service) private radio service, or common carrier radio communications service otherwise requiring a fee, if the radio service is used in conjunction with the noncommercial educational broadcast station on a noncommercial educational basis.

(e) Other applicants, permittees, or licensees providing, or proposing to provide, a noncommercial educational or instructional service, but not qualifying under § 1.1112(c), may be exempt from filing fees, or be entitled to a refund, in the following circumstances.

(1) An applicant is exempt from filing fees if it is an organization that, like the Public Broadcasting Service or National Public Radio, receives funding directly or indirectly through the Public Broadcasting Fund, 47 U.S.C. 396(k), distributed by the Corporation for Public Broadcasting, where the authorization requested will be used in conjunction with the organization on a noncommercial educational basis;

(2) An applicant for a translator or low power television station that proposes a noncommercial educational service will be entitled to a refund of fees paid for the filing of the application when, after grant, it provides proof that it has received funding for the construction of the station through the National Telecommunications and Information Administration (NTIA) or other showings as required by the Commission.

(3) An applicant that has qualified for a fee refund under § 1.1112(e)(2) and continues to operate as a noncommercial education station is exempt from fees for broadcast auxiliary stations (Subparts D, E, and F of Part 74) or stations in the private radio or common carrier services where such authorization is to be used in conjunction with the noncommercial educational translator or low power station.

(4) An applicant that is the licensee of an instructional television fixed station (§ 74.901 *et seq.*) is exempt from filing fees where the authorization requested will be used by the applicant in conjunction with the provision of the instructional service.

(f) Applicants, permittees or licensees who qualify as governmental entities. For purposes of this exemption a governmental entity is defined as any state, possession, city, county, town, village, municipal corporation or similar political organization or subpart thereof controlled by publicly elected or duly appointed public officials exercising sovereign direction and control over their respective communities or programs.

NOTE: Applicants claiming exemptions under the terms of this subpart must certify as to their eligibility for the exemption through a cover letter accompanying the application or filing. This certification is not required if the applicable FCC Form requests the information justifying the exemption.

[52 FR 5289, Feb. 20, 1987, as amended at 53 FR 40889, Oct. 19, 1988; 55 FR 19172, May 8, 1990]

§ 1.1113 Adjustments to charges.

(a) The Schedule of Charges established by sections 1.1102 through 1.1105 of this subpart shall be adjusted by the Commission on October 1, 1993 and every two years thereafter.

(1) The fees will be adjusted by the Commission to reflect the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) from the date of enactment of the authorizing legislation (December 19, 1989) to the date of adjustment, and every two years thereafter, to reflect the percentage change in the CPI-U in the period between the enactment date and the adjustment date.

(2) Adjustments based upon the percentage change in the CPI-U will be applied against the base fees as enacted or amended by Congress. Adjustments will not be calculated by using the previously adjusted fee as the base.

(b) Increases or decreases in charges will apply to all categories of fees covered by this subpart. Individual fees will not be adjusted until the increase or decrease, as determined by the net change in the CPI-U since the date of enactment of the authorizing legislation, amounts to at least $5 in the case of fees under $100, or 5% or more in the case of fees of $100 or greater. All fees will be adjusted upward to the next $5 increment.

(c) Adjustments to fees made pursuant to these procedures will not be subject to notice and comment rulemakings, nor will these decisions be subject to petitions for reconsideration under § 1.429 of the rules. Requests for modifications will be limited to correction of arithmetical errors made during an adjustment cycle.

[52 FR 5289, Feb. 20, 1987, as amended at 53 FR 40889, Oct. 19, 1988; 55 FR 19172, May 8, 1990]

§ 1.1114 Penalty for late or insufficient payments.

(a) Filings subject to fees and accompanied by defective fee submissions will be dismissed under § 1.1107(b) of this subpart where the defect is discovered by the Commission's staff within 30 calendar days from the receipt of the application or filing by the Commission.

(1) A defective fee may be corrected by resubmitting the application or other filing, together with the entire correct fee.

(2) For purposes of determining whether the filing is timely, the date of resubmission with the correct fee will be considered the date of filing. However, in cases where the fee payment fails due to error of the applicant's bank, as evidenced by an affidavit of an officer of the bank, the date of the original submission will be considered the date of filing.

(b) Applications or filings accompanied by insufficient fees or no fees which are inadvertently forwarded to Commission staff for substantive review will be billed for the amount due if the discrepancy is not discovered until after 30 calendar days from the receipt of the application or filing at the Commission. A penalty charge of 25 percent of the amount due will be added to each bill. Any Commission actions taken prior to timely payment of this bill are contingent and subject to rescission.

(c) Applicants to whom a deferral of payment is granted under the terms of this subsection will be billed for the amount due plus a charge equalling 25 percent of the amount due. Any Commission actions taken prior to timely payment of these charges are contingent and subject to rescission.

[52 FR 5289, Feb. 20, 1987, as amended at 53 FR 40889, Oct. 19, 1988; 55 FR 19172, May 8, 1990

§ 1.1115 Waivers or deferrals.

(a) The fees established by this subpart may be waived or deferred in specific instances where good cause is shown and where waiver or deferral of the fee would promote the public interest.

(b) Requests for waivers or deferrals will only be considered when received from applicants acting in respect to their own applications. Requests for waivers or deferrals of entire classes of services will not be considered.

(c) Requests for waivers or deferrals will be acted upon by the Managing Director with the concurrence of the General Counsel.

(d) Deferrals of fees will be granted for an established period of time not to exceed six months.

(e) Applicants seeking waivers must submit the request for waiver with the application or filing, required fee and FCC Form 155. Waiver requests that do not include these materials will be dismissed in accordance with § 1.1107 of this subpart. Submitted fees will be returned if a waiver is granted. The Commission will not be responsible for delays in acting upon these requests.

[52 FR 5289, Feb. 20, 1987, as amended at 55 FR 19172, May 8, 1990; 55 FR 38065, Sept. 17, 1990]

§ 1.1116 Error claims.

(a) Applicants who wish to challenge a staff determination of an insufficient fee may do so in writing. These claims should be addressed to the same location as the original submission marked "Attention Fee Supervisor".

(b) Actions taken by the Fee Section staff are subject to the reconsideration and review provisions of §§ 1.106 and 1.115 of this part, EXCEPT THAT reconsideration and/or review will only be available where the applicant has made the full and proper payment of the underlying fee as required by this subpart.

(1) Petitions for reconsideration and/or applications for review submitted by applicants that have not made the full and proper fee payment will be dismissed; and

(2) If the fee payment should fail while the Commission is considering the matter, the petition for reconsideration or application for review will be dismissed.

[52 FR 5289, Feb. 20, 1987, as amended at 53 FR 40889, Oct. 19, 1988]

1.1117 Billing procedures.

(a) The fees required for the SMRS aiting list (§ 1.1102(g)(4) of this subart), International Telecommunicaons Settlements (§ 1.1103(i) of this bpart), Ship Inspections 1.1103(k)(1-5) of this subpart), and ommon Carrier Field Audits 1.1105(u)(1) of this subpart) should t be paid with the filing or submison of the request. The fees required r requests for Special Temporary thority (see generally §§ 1.1102, 104, 1.1105 of this subpart) that the plicant believes is of an urgent or ergency nature and are filed direct with the appropriate Bureau or fice should not be paid with the ng of the request with that Bureau Office.

b) In these cases, the appropriate will be determined by the Commisn and the filer will be billed for t fee. The bill will set forth the ount to be paid, the date on which ment is due, and the address to ich the payment should be submit. See also § 1.1110 of this subpart.

FR 19172, May 8, 1990]

part H—Ex Parte Communications

URCE: 52 FR 21052, June 4, 1987, unless rwise noted.

GENERAL

200 Introduction.

) *Purpose.* To ensure that the mission's decisional processes are impartial, and otherwise comport the concept of due process, the mission has prescribed rules and lations governing ex parte comications. These rules and regulas, which are designed to deter imer communications and maintain utmost public confidence in Comion proceedings, specify standards onduct and procedures to be fold with regard to ex parte presenns in Commission proceedings and ide for the imposition of sanctions violations of these standards and edures. Where the public interest quires in a particular proceeding, Commission retains the discretion sue public notices setting forth modified or more stringent ex parte procedures.

(b) *General applicability.* These rules set forth the ex parte requirements that apply in various types of Commission proceedings. Following § 1.1202 (Definitions), the rules describe three general classes of FCC proceedings. First, § 1.1204(a) lists types of proceedings in which there are no ex parte restrictions. In these proceedings, parties and Commission decision makers may communicate freely, without regard to the prohibitions and disclosure requirements of these ex parte rules. Next, § 1.1206(c) lists proceedings that are classified as "non-restricted." In non-restricted proceedings, parties and Commission decision-makers are permitted to engage in ex parte communications but certain disclosure requirements must be met. Finally, § 1.1208(c) lists proceedings that are classified as "restricted." In restricted proceedings, ex parte communications are generally prohibited. In all proceedings, including exempt proceedings, certain periods are set aside during which all communication with Commission personnel is prohibited. *See* § 1.1203. In addition, the prohibitions and requirements applicable to "restricted" and "non-restricted" proceedings are subject to certain general exceptions, which are listed in § 1.1204(b). Therefore, § 1.1204(b) should always be examined to determine whether a seemingly prohibited ex parte communication may be permissible.

NOTE: Inquiries concerning the propriety of ex parte communications should be directed to the Office of General Counsel.

§ 1.1202 Definitions.

(a) *Presentation.* Any communication directed to the merits or outcome of a proceeding. Excluded from this term is a communication which is inadvertently or casually made, or a communication which is an inquiry or request for information relating solely to the status of a proceeding. A status inquiry which states or implies a preference for a particular party or position in a proceeding, or which states why timing is important to a particular party, or which in any other manner is intended as a means, direct or indirect, to address the merits or outcome, or influence the timing, of a proceeding is a presentation.

NOTE: Any congressional or other communication expressing concern with administrative delay in a particular proceeding or expressing concern that a particular proceeding be resolved expeditiously, will be treated as a status inquiry and therefore excluded from the definition of presentation, *Provided* That no view is expressed as to the merits or outcome of the proceeding; no view is expressed as to a date by which the proceeding should be resolved; and no specific reasons are given as to why the proceeding should be resolved expeditiously, other than the need to resolve administrative delay.

(b) *Ex parte presentation.* Any presentation made *to* decision-making personnel but, in restricted proceedings, any presentation *to* or *from* decision-making personnel, which;

(1) If written, is not served on the parties to the proceeding, or

(2) If oral, is made without advance notice to the parties to the proceedings and without opportunity for them to be present.

Comments and reply comments (including informal comments) filed prior to the expiration of the reply comment period, or, if the matter is on reconsideration, the reconsideration reply comment period, in informal rulemaking proceedings pursuant to §§ 1.415 and 1.419, but not in channel allotment rulemaking proceedings pursuant to § 1.420, are not considered ex parte presentations even if they are not served on other parties.

(c) *Decision-making personnel.* Any member, officer or employee of the Commission who is or may reasonably be expected to be involved in the decisional process in the proceeding. Unless otherwise specified, such persons usually include the Commissioners, their assistants, and other professional personnel of the Commission. Any person who has been made a party to a proceeding or who otherwise has been excluded from the decisional process shall not be treated as a decision-maker with respect to that proceeding. Thus, any person designated as part of a separated trial staff shall not be considered a decision-making person in the designated proceeding. Unseparated Bureau or Office staff who may reasonably be expected to become involved in the decisional process of the proceeding shall be considered decision-making personnel.

NOTE: The application of this definition under this subpart is not intended to preclude the routine handling by Commission staff of complaints that would otherwise be technically considered ex parte because the person against whom the complaint is directed is also a party in a restricted proceeding.

(d) *Adjudicative proceeding.* Any proceeding, other than a rule making or a tariff proceeding involving future rates or practices, initiated upon the Commission's own motion or upon the filing of an application, a petition for special relief or waiver, or a complaint or similar pleading that involves the determination of rights and responsibilities of specific parties.

(e) *Formal opposition or formal complaint.* (1) A pleading opposing the grant of a particular application, waiver request, petition for special relief or other request for Commission action, or a pleading in the nature of a complaint (other than a section 208 complaint), which meets the following requirements:

(i) The caption and text of a pleading make it unmistakably clear that the pleading is intended to be a formal opposition or formal complaint;

(ii) The pleading is served upon the other parties to the proceeding or, in the case of a complaint, upon the person subject to the complaint; and

(iii) The pleading is filed within the time period, if any, prescribed for such a pleading;

(2) A formal complaint under section 208 of the Communications Act if it meets the requirements of § 1.721 *et seq.* of the Commission's Rules (formal complaints against common carriers).

(f) *Sunshine Agenda period.* For purposes of this subpart, the Sunshine Agenda period is defined as the period of time that commences with release of a public notice that a matter has been placed on the Sunshine Agenda and that terminates when the Commission:

(1) Releases the text of a decision or order relating to the matter, or

(2) Issues a public notice stating that the matter has been deleted from the Sunshine Agenda, or

(3) Issues a public notice stating that the matter has been returned to the staff for further consideration,

whichever one of the above occurs first.

[52 FR 21052, June 4, 1987, as amended at 52 FR 37459, Oct. 7, 1987; 53 FR 26597, July 14, 1988; 54 FR 29038, July 11, 1989]

Sunshine Period Prohibition

§ 1.1203 Sunshine period prohibition.

(a) Unless exempted under § 1.1204(b), the making of any presentation, whether ex parte or not, to decision-making personnel concerning matters listed on the Sunshine Agenda is prohibited during the Sunshine Agenda period. *See* § 1.1202(f).

(b) The prohibition on presentations in § 1.1203(a) above shall not apply to responses to ex parte presentations that are requested under § 1.1204(b)(7) or to presentations regarding settlement agreements. The disclosure requirement set forth in § 1.1204(b)(7) Note will apply.

(c) The prohibition in § 1.1203(a) above shall not apply to presentations (not otherwise exempted under § 1.1204(b)) made by members of Congress or their staff or by other agencies or branches of the Federal Government or their staff in non-restricted proceedings under § 1.1206(b), exempt proceedings under § 1.1204(a)(2) (not involving the allotment of a channel in the radio broadcast or television broadcast services), or exempt proceedings under § 1.1204(4)–(11).

Note: Unless otherwise exempted under § 1.1204, presentations under § 1.1203(c) that are of substantial significance and clearly intended to affect the ultimate decision, shall be placed (if oral, a written summary of the presentation) in the record of the proceeding by Commission staff or in accordance with the procedures set forth in § 1.1206(a)(1)–(3).

52 FR 21052, June 4, 1987, as amended at 52 FR 37459, Oct. 7, 1987; 53 FR 44196, Nov. 3, 1988; 54 FR 29038, July 11, 1989]

General Exemptions

§ 1.1204 General exemptions.

(a) *Proceedings in which no ex parte restrictions apply.* Subject to the provisions of § 1.1203 (Sunshine Period Prohibition), § 1.1206 (Non-Restricted Proceedings, and § 1.1208(b) (Restricted Proceedings), there are no ex parte restraints or disclosure requirements in the following types of proceedings:

(1) An adjudicative proceeding as defined in § 1.1202(d) or other proceeding specified in § 1.1208(c)(1)(ii) unless it

(i) Is formally opposed or involves a formal complaint (*see* § 1.1202(e)); or

(ii) Involves mutually exclusive applications; or

(iii) Has been designated for hearing (*see* § 1.1208(c)(1)(i)).

(2) A pending petition for rule making unless it

(i) Involves the allotment of a channel in the radio broadcast or television broadcast services, and

(ii) Is formally opposed (*see* § 1.1208(c)(2)).

Note: In proceedings exempted by § 1.1204(a)(1) or (a)(2)(i), oral ex parte communications are permissible, but only between the Commission and the formal party involved or his representative. Any informal objectors (whether their objections are oral or written) are subject to ex parte procedures set forth in § 1.1208 barring oral ex parte contacts except where confidentiality is necessary to protect these persons from possible reprisals. Oral communications between Commission staff and advisory coordinating committee members with respect to coordination of assignment of frequencies in the private land mobile services and fixed services authorized under section 331 of the Communications Act are not prohibited.

(3) A request for information which is filed pursuant to the Freedom of Information Act, 5 U.S.C. 552, unless it is formally opposed and where the requested information is not the subject of a request for confidentiality.

(4) A notice of inquiry proceeding unless the Commission states otherwise, *see* § 1.1206(b)(2).

(5) A proceeding involving an informal complaint against a carrier under section 208 of the Communications Act (*see* § 1.711 of the Rules) unless it has been designated for hearing.

(6) A tariff proceeding under section 203, 204, or 205 of the Communications Act unless it has been set for investigation, (*see* § 1.1206(b)(6). This exemption from the ex parte requirements shall also extend to requests for waiver or for special permission directly associated with a particular tariff filing made pursuant to these sections of the the Act, unless the Commission states otherwise.

(7) A proceeding conducted pursuant to section 220(b) of the Communications Act for prescription of common carrier depreciation rates prior to release of a public notice of specific proposed depreciation rates for a carrier or carriers.

(8) A petition or request for declaratory ruling unless a formal opposition has been filed.

(9) A rule making proceeding conducted pursuant to section 201(a), 213(a), 221(c) or 222 of the Communications Act or section 201(c)(2) or 201(c)(5) of the Communications Satellite Act of 1962, unless the proceeding has been formally opposed or has been set for investigation by the Commission.

(10) A proceeding under section 221(a) of the Communications Act unless a formal request for hearing has been made by an entity specified in that section.

(11) A proceeding under section 214(a) of the Communications Act unless a formal opposition has been filed or the proceeding has been designated for hearing.

NOTE: In proceedings exempted by § 1.1204 (a)(3), (a)(8), (a)(9), (a)(10), or (a)(11), oral ex parte communications without disclosure pursuant to § 1.1206 are permissible, but only between the Commission and the formal party involved or his representative. Any informal objectors (whether their objections are oral or written) are subject to *ex parte* procedures set forth in § 1.1206 requiring disclosure of such communications except where confidentiality is necessary to protect these persons from possible reprisals.

(b) *Exempt Ex Parte Presentations.* The following types of ex parte presentations are exempt from the prohibitions and requirements in § 1.1206 (non-restricted proceedings) and § 1.1208 (restricted proceedings) as follows:

(1) The presentation is authorized by statute or by the Commission's Rules, *see, e.g.*, § 1.333(d).

(2) The presentation is made by or to the General Counsel or his or her staff and concerns judicial review of a matter which has been decided by the Commission.

(3) The presentation directly relates to an emergency in which the safety of life is endangered or substantial loss of property is involved; provided however, that if the presentation is oral, a written summary of the presentation shall be filed within a reasonable period of time thereafter.

(4) The presentation involves a military or foreign affairs function of the United States or classified security information.

(5) The presentation is to or from an agency or branch of the Federal Government or its staff and involves a matter over which that agency or branch and the Commission share jurisdiction.

(6) The presentation is between Commission staff and an advisory coordinating committee member with respect to the coordination of frequency assignments to stations in the private land mobile services or fixed services as authorized by section 331 of the Communications Act.

(7) The presentation is requested by the Commission or staff for the clarification or adduction of evidence or for resolution of issues, and the proceeding is a restricted proceeding which has not been designated for hearing, a non-restricted proceeding or an exempt proceeding.

NOTE: In a restricted proceeding, any new written information elicited from such a request and a summary of any new oral information shall be served by the person making the presentation upon the other parties to the proceeding. Where such service would be unduly burdensome because parties to the proceeding are numerous or because the materials relating to the presentation are voluminous, the Commission may waive such service by issuing a public notice which states that copies of the presentation and/or materials relating to it are available for public inspection and by including copies of the presentation and/or materials relating to it in the record of the proceeding. Where the Commission determines that such service of public notice, prior to designation of a matter for hearing, would interfere with the effective conduct of an investigation, it may dispense with such service or public notice. In a non-restricted proceeding, any new information elicited from such a request shall be disclosed in accordance with the procedures set forth in § 1.1206. Except as otherwise provided above, any new information received during the Sunshine period shall be fully disclosed in accordance with the above procedures or by other adequate means of notice the Commission deems appropriate.

[52 FR 21052, June 4, 1987, as amended at 52 FR 37460, Oct. 7, 1987; 53 FR 26597, July 14, 1988; 54 FR 29038, July 11, 1989]

NON-RESTRICTED PROCEEDINGS

§ 1.1206 Non-restricted proceedings; ex parte presentations generally permissible but subject to disclosure.

(a) Except as provided during the Sunshine Agenda period (*see § 1.1203*), *ex parte presentations are permissible in non-restricted proceedings if the following disclosure requirements are met:*

(1) *Written ex parte presentations made by persons outside the Commission.* Any person who makes or submits a written ex parte presentation shall provide on the same day it is submitted two copies of same under separate cover to the Commission's Secretary for inclusion in the public record. The presentation (as well as any transmittal letter) must clearly indicate on its face the docket number of the particular proceeding(s) to which it relates and the fact that two copies of it have been submitted to the Secretary, and must be labeled or captioned as an ex parte presentation.

(2) *Oral ex parte presentations made by persons outside the Commission.* Any person who in making an oral ex parte presentation presents data or arguments not already reflected in that person's written comments, memoranda, or other previous filings in that proceeding shall provide on the day of the oral presentation an original and one copy of a written memorandum to the Secretary (with a copy to the Commissioner or staff member involved) which summarizes the data and arguments. The memorandum (as well as any transmittal letter) must clearly indicate on its face the docket number of the particular proceeding and the fact that an original and one copy of it have been submitted to the Secretary, and must be labeled or captioned as an ex parte presentation.

(3) *Ex parte presentations requested by persons within the Commission and spontaneous ex parte presentations.* A decision making person who requests an ex parte presentation should advise the person making the presentation that the presentation must be reflected in the public record before the Commission issues a final order in the relevant proceeding. Any person who makes a presentation under this paragraph shall comply with the requirements of paragraph (a)(1) or paragraph (a)(2), whichever is applicable.

NOTE 1: Unless otherwise exempted under Section 1.1204, presentations from members of Congress or their staff or from other agencies or branches of the Federal Government or their staff that are of substantial significance and clearly intended to affect the ultimate decision shall be treated as ex parte presentations and placed (if oral, a written summary of the presentation shall be prepared and placed) in the record of the proceeding by Commission staff or in accordance with the procedures set forth in Section 1.1206(a)(1)-(3).

NOTE 2: Where a written ex parte presentation (or memorandum summarizing an oral ex parte presentation) relates to more than one proceeding, two copies (or an original and one copy) shall be filed for each separate proceeding.

(4) *Notice of ex parte presentations.* The Commission's Secretary shall place in the public file or record of the proceeding written ex parte presentations and memoranda reflecting oral ex parte presentations. The Secretary shall issue a public notice listing any written ex parte presentations or written summaries of oral ex parte presentations received by his office during the preceding week relating to any non-restricted proceeding.

NOTE 1: Interested persons should be aware that some ex parte filings, for example, those not filed in accordance with the requirements of ths subsection, might not be placed on the referenced public notice. All ex parte presentations and memoranda filed under this section will be available for public inspection in the public file or record of the proceeding, and parties wishing to ensure awareness of all filings should review the public file or record.

NOTE 2: As a matter of convenience, the Secretary may also list on the referenced public notices materials, even if not ex parte presentations, that are filed after the close of the reply comment period or, if the matter is on reconsideration, the reconsideration reply comment period.

(5) The procedures outlined above continue in effect (except as otherwise provided under § 1.1204) until the proceeding has been decided by the Commission and is no longer subject to reconsideration by the Commission or review by any court.

(b) Unless otherwise ordered by the Commission, a non-restricted proceeding includes the following:

(1) An informal rule making proceeding conducted under section 553 of the Administrative Procedure Act (upon Commission adoption of a notice of proposed rule making), unless the proceeding concerns the allotment of a specific channel in the radio or television broadcast services, *see* § 1.1208(c)(2).

(2) An inquiry proceeding (upon Commission adoption of a notice of inquiry) where the Commission specifically states the proceeding is "non-restricted" because it contemplates adoption of a binding policy determination.

(3) A proceeding conducted pursuant to section 220(b) of the Communications Act for prescription of common carrier depreciation rates (upon release of a public notice of specific proposed depreciation rates for a carrier or carriers).

(4) A petition or request for declaratory ruling at the time a formal opposition to the petition has been filed.

(5) A rule making proceeding conducted pursuant to section 201(a), 213(a), 221(c) or 222 of the Communications Act or section 201(c)(2) or 201(c)(5) of the Communications Satellite Act of 1962, if the proceeding has been formally opposed or has been set for investigation by the Commission.

(6) A tariff proceeding which has been set for investigation by the Commission under section 204 or 205 or a rate of return proceeding under Title II of the Communications Act.

NOTE: Proceedings under the statutory provisions listed in § 1.1206(b)(5) and § 1.1206(b)(6) that pertain primarily to *past* rates or practices of common carriers may be adjudicative proceedings subject to the provisions of § 1.1208. *See* 5 U.S.C. 551(4); 47 U.S.C. 409(c)(1)(2)(d); *AT&T v. FCC*, 449 F.2d 439 (2d Cir. 1971).

(7) A proceeding under section 221(a) (telephone acquisitions and consolidations) of the Communications Act from the time a formal request for hearing has been made by an entity specified in that section.

(8) A proceeding under section 214(a) (extension of lines) of the Communications Act at the time a formal opposition has been filed and prior to designation for hearing, *see* § 1.1208(c)(3).

(9) A proceeding involving a request for information filed pursuant to the Freedom of Information Act, 5 U.S.C. 552, upon the filing of a formal opposition to the request or, in a proceeding where the requested information is the subject of a request for confidentiality, upon the filing of the FOIA request.

(10) A proceeding before a Joint Board or a proceeding before the Commission involving a recommendation from a Joint Board unless the proceeding is specifically classified as an adjudicative proceeding.

NOTE: Unless otherwise ordered by the Commission, Joint Boards shall have the authority to modify the *ex parte* rules as necessary in a particular proceeding to promote fair and efficient decisionmaking.

[52 FR 21052, June 4, 1987, as amended at 52 FR 37460, Oct. 7, 1987; 54 FR 29038, July 11, 1989]

RESTRICTED PROCEEDINGS

§ 1.1208 Restricted proceedings.

(a) Unless exempted under § 1.1204(b), ex parte presentations are prohibited in restricted proceedings. The prohibition continues in effect until the proceeding has been decided or a settlement or agreement by the parties has been approved by the Commission and such decision or approval is no longer subject to reconsideration by the Commission or to review by any court.

(b) No person shall make an ex parte presentation in a proceeding that could become restricted even though ie proceeding is not restricted at the me if:

(1) That person intends to file a mu- ially exclusive application which ould cause the proceeding to become stricted; or

(2) That person intends to file an op- osition, complaint, or objection hich would cause the proceeding to ecome restricted.

Note: The prohibition in § 1.1208(b)(2) is applicable to complaint proceedings under ction 208 of the Communications Act.

(c) Unless governed by § 1.1204 or .1206, the following are restricted oceedings:

1)(i) Any proceeding specified in ragraph (c)(1)(ii) of this section is stricted from the day on which any the following has occurred:

A) The release of an order designat- ; the proceeding for hearing (unless hearing has been subsequently ived pursuant to § 1.92 of this chap-);

B) The filing of a formal opposition formal complaint;

C) The release of a public notice ap- sing the public of the filing of a itually exclusive application *Provid-* *however,* That if a person has ual knowledge that a mutually ex- sive application has been filed prior the release of the public notice, it person is prohibited from making ex parte presentation from the ment of such actual knowledge. e term "public notice" as used in s subsection means the public ice issued at regular intervals list- all applications and major amend- nts thereto which have been ten- ed (or, in non-broadcast services, epted) for filing. (*See* §§ 1.564(c), 62(e) and 21.27(b) of this chapter.) ien the Commission issues a specific lic notice stating that there is a sibility of conflict between the ap- ations, then the term "public ice" shall refer to the specific lic notice rather than that issued egular intervals.

i) A proceeding is restricted as pro- ed in paragraph (c)(1)(i) of this sec- 1 if it is:

A) Any adjudicative proceeding, in- ding any proceeding conducted pur- nt to section 303(l) (classification qualifications of radio station operators); section 303(m) (suspension of radio licenses); sections 308 and 309 (application for licenses); section 310 (holding and transfer of licenses); section 312 (administrative sanctions); section 315 (facilities for candidates for public office); section 316 (modification of construction permits or licenses) of the Communications Act.

Note: *See also* Note to § 1.1204 (a)(1) through (3).

(B) Any proceeding under section 206 (liability of carriers for damages); section 207 (recovery of damages); section 208 (complaints); section 212 (interlocking directorates); section 214(d) (line extensions); section 224(b)(1) (pole attachments) of the Communications Act.

(C) Any proceeding under section 201(c)(6), (7), (9) or 304(f) of the Communications Satellite Act of 1962.

(D) Any request for an order to show cause, any special relief or waiver proceeding conducted pursuant to or under any of the provisions listed in paragraph (c)(1)(ii) (A), (B), or (C) of this section or any cable television special relief or waiver proceeding.

Note: See § 1.1204(a)(6) regarding the ex parte treatment of requests for waiver or for special permission made in the context of a particular tariff filing as part of the tariff review process.

(2) An informal rule making proceeding concerning the allotment of a channel in the radio broadcast or television broadcast services (*see Sangamon Valley Television Corporation v. United States,* 269 F.2d 221, 224 (DC Cir. 1959)) at the time of adoption of the notice of proposed rule making or the filing of an opposition to a petition for rule making, whichever is earlier.

(3) A proceeding conducted pursuant to section 214(a) of the Communications Act that has been designated for hearing.

(4) A proceeding in which an order to show cause has been released.

(5) Any other proceeding that the Commission designates as restricted.

[52 FR 21052, June 4, 1987, as amended at 52 FR 37460, Oct. 7, 1987; 52 FR 38042, Oct. 13, 1987]

Prohibition on Solicitation of Presentations

§ 1.1210 Prohibition on solicitation of presentations.

No person shall solicit or encourage others to make any presentation which he or she is prohibited from making under the provisions of this subpart.

[52 FR 21052, June 4, 1987, as amended at 52 FR 37460, Oct. 7, 1987]

Procedures for Handling of Prohibited Ex Parte Presentations

§ 1.1212 Procedures for handling of prohibited ex parte presentations.

(a) If a prohibited oral ex parte presentation is initiated, the person to whom it is addressed shall advise the person initiating it that the presentation is prohibited and terminate the discussion.

(b) If a prohibited oral ex parte presentation has been made, the Commission personnel to whom the presentation was made shall forward to the Managing Director a statement containing the following information:

(1) The name of the proceeding.

(2) The name and address of the person making the presentation and that person's relationship (if any) to the parties to the proceding or to their attorneys.

(3) The date and time of the presentation, its duration, and the circumstances (telephone, personal interview, casual meeting, etc.) under which it was made.

(4) A brief summary of the substance of the presentation.

(5) Whether the person making the presentation persisted in doing so after having been advised that the presentation was prohibited.

(6) The date and time at which the statement was prepared.

(c) Written ex parte presentations that are prohibited shall be forwarded by the person receiving them to the Managing Director. If the circumstances in which such a presentation was made are not apparent from the presentation itself, a statement describing those circumstances shall be submitted to the Managing Director with the presentation.

(d) Prohibited *written* ex parte presentations, all statements and correspondence relating thereto, all statements and correspondence relating to prohibited *oral* ex parte presentations shall be placed in a public file which shall be associated with, but not made a part of, the file or record of the proceeding to which the presentations pertain. In a proceeding which has not yet been designated hearing, no such presentations, statements or correspondence relating thereto, shall be considered in determining the merits of the proceeding except upon notice and disclosure to the parties to the proceeding. Once a proceeding has been designated for hearing, such materials may be considered in determining the merits of a restricted proceeding only if they are made a part of the record of the proceeding.

(e) If the Managing Director determines that an ex parte presentation is prohibited by this subpart, he shall notify the parties to the proceeding that a prohibited ex parte presentation has occurred. If the Managing Director determines that the public interest so requires, he shall serve upon the parties to the proceeding copies of the presentation or, if it was oral, a summary of the presentation, as well as any statements or correspondence describing the circumstances in which it was made. Service by the Managing Director shall not be deemed to cure any violation of the rules against prohibited ex parte presentations.

(f) If circumstances satisfy the Managing Director that notice of a prohibited presentation under paragraph (e) of this section would be unduly burdensome because the parties to the proceeding are numerous, he may (in lieu of notice to the parties) issue a public notice that a prohibited presentation has been made in the proceeding. Where a determination has been made that disclosure of the prohibited presentation would be appropriate under paragraph (e) of this section and circumstances satisfy the Managing Director that service of copies of the prohibited presentation would be unduly burdensome because the parties to the proceeding are numerous or because the materials relating to the presentation are voluminous, he may issue a public notice that copies of the presentation and/or materials relating to it are available for public inspection.

(g) A copy of any statement describing the circumstances in which any prohibited ex parte presentation was made shall be forwarded to the person who made the presentation. Within 10 days thereafter, the person who made the presentation may file with the Managing Director a notarized statement regarding the presentation and the circumstances in which it was made. If the Managing Director deems it appropriate, he shall serve copies of the notarized statement upon parties to the proceeding.

(h) Where a restricted proceeding is perceived by the public as involving a major statement of Commission policy and precipitates a substantial amount of correspondence from the general public, the above procedures with respect to such correspondence will not be following; however, such correspondence and materials related thereto shall be placed in a public file and made available for inspection.

[52 FR 21052, June 4, 1987, as amended at 52 FR 37460, Oct. 7, 1987]

§ 1.1214 Disclosure of information concerning violations of this subpart.

Any party to a proceeding or any Commission employee who has substantial reason to believe that any vioation of this subpart has been solicited, attempted, or committed, shall promptly advise the Managing Direcor in writing of all the facts and cirumstances concerning the matter which are known to him.

SANCTIONS

1.1216 Sanctions.

(a) *Parties.* (1) Upon notice and earing, any party to a restricted proeeding who directly or indirectly vioates or causes the violation of any rovision of this subpart, or who fails o advise the Managing Director of the acts and circumstances concerning ny such violation, may be disqualified rom further participation in that proeeding. Such alternative or additional anctions as may be appropriate may e imposed.

(2) To the extent consistent with the interests of justice and the public, a party who has violated or caused the violation of any provision of this subpart may be required to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected.

(b) *Commission personnel.* For violations of the provisions of this subpart by Commission personnel refer to Administrative Order No. 10.

(c) *Other persons.* Such sanctions as may be appropriate under the circumstances shall be imposed upon other persons who violate the provisions of this subpart.

(d) The sanctions outlined in paragraphs (a)(1), (b), and (c) of this section shall also apply in non-restricted rulemaking proceedings, but the sanction outlined in paragraph (a)(2) of this section shall not apply in such proceedings.

Subpart I—Procedures Implementing the National Environmental Policy Act of 1969

SOURCE: 51 FR 15000, Apr. 22, 1986, unless otherwise noted.

§ 1.1301 Basis and purpose.

The provisions of this subpart implement Subchapter I of the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321-4335.

§ 1.1302 Cross-reference; Regulations of the Council on Environmental Quality.

A further explanation regarding implementation of the National Environmental Policy Act is provided by the regulations issued by the Council on Environmental Quality, 40 CFR 1500-1508.28.

§ 1.1303 Scope.

The provisions of this subpart shall apply to all Commission actions that may or will have a significant impact on the quality of the human environment. To the extent that other provisions of the Commission's rules and regulations are inconsistent with the subpart, the provisions of this subpart shall govern.

[55 FR 20396, May 16, 1990]

§ 1.1304 Information and assistance.

For general information and assistance concerning the provisions of this subpart, the Office of General Counsel may be contacted, (202) 632-6990. For more specific information, the Bureau responsible for processing a specific application should be contacted.

§ 1.1305 Actions which normally will have a significant impact upon the environment, for which Environmental Impact Statements must be prepared.

Any Commission action deemed to have a significant effect upon the quality of the human environment requires the preparation of a Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS) (collectively referred to as EISs) (*see* §§ 1.1314, 1.1315 and 1.1317). The Commission has reviewed representative actions and has found no common pattern which would enable it to specify actions that will thus automatically require EISs.

NOTE: Our current application forms refer applicants to § 1,1305 to determine if their proposals are such that the submission of environmental information is required (*see* § 1.1311). Until the application forms are revised to reflect our new environmental rules, applicants should refer to § 1.1307. Section 1.1307 now delineates those actions for which applicants must submit environmental information.

§ 1.1306 Actions which are categorically excluded from environmental processing.

(a) Except as provided in § 1.1307 (c) and (d), Commission actions not covered by § 1.1307 (a) and (b) are deemed individually and cumulatively to have no significant effect on the quality of the human environment and are categorically excluded from environmental processing.

(b) Specifically, any Commission action with respect to any new application, or minor or major modifications of existing or authorized facilities or equipment, will be categorically excluded, provided such proposals do not:

(1) Involve a site location specified under § 1.1307(a) (1)-(7), or

(2) Involve high intensity lighting under § 1.1307(a)(8).

(3) Result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in § 1.1307(b).

NOTE 1: The provisions of § 1.1307(a) do not encompass the mounting of antennas on an existing building or antenna tower, unless the antenna(s) to be mounted is (are) subject to the provisions of § 1.1307(b) and would result in human exposure to radiofrequency radiation in excess of the applicable health and safety guidelines cited in § 1.1307(b), or unless the provisions of 1.1307(a)(4) are applicable. Otherwise, the use of existing buildings and towers is an environmentally desirable alternative to the construction of new towers and is encouraged.

NOTE 2: The specific height of an antenna tower or supporting structure, as well as the specific diameter of a satellite earth station, in and of itself, will not be deemed sufficient to warrant environmental processing, *see* §§ 1.1307 and 1.1308.

NOTE 3: The construction of an antenna tower or supporting structure in an established "antenna farm": (i.e., an area in which similar antenna towers are clustered, whether or not such area has been officially designated as an antenna farm), will be categorically excluded unless *one or more of the antennas to be mounted on the tower or structure are subject to the provisions of § 1.1307(b) and the additional radiofrequency radiation from the antenna(s) on the new tower or structure* would cause human exposure in excess of the applicable health and safety *guidelines* cited in § 1.1307(b).

[51 FR 15000, Apr. 22, 1986, as amended at 51 FR 18889, May 23, 1986; 53 FR 28393, July 28, 1988]

§ 1.1307 Actions that may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared.

(a) Commission actions with respect to the following types of facilities may significantly affect the environment and thus require the preparation of EAs by the applicant (see §§ 1.1308 and 1.1311) and may require further Commission environmental processing (*see* §§ 1.1314, 1.1315 and 1.1317):

(1) Facilities that are to be located in an officially designated wilderness area.

(2) Facilities that are to be located in an officially designated wildlife preserve.

(3) Facilities that: (i) May affect listed threatened or endangered species or designated critical habitats; or (ii) are likely to jeopardize the continued existence of any proposed endangered or threatened species or likely to result in the destruction or adverse modification of proposed critical habitats, as determined by the Secretary of the Interior pursuant to the Endangered Species Act of 1973.

NOTE: The list of endangered and threatened species is contained in 50 CFR 17.11, 17.22, 222.23(a) and 227.4. The list of designated critical habitats is contained in 50 CFR 17.95, 17.96 and Part 226. To ascertain the status of proposed species and habitats, inquiries may be directed to the Regional Director of the Fish and Wildlife Service, Department of the Interior.

(4) Facilities that may affect districts, sites, buildings, structures or objects, significant in American history, architecture, archeology, engineering or culture, that are listed, or are eligible for listing, in the National Register of Historic Places. (*See* 16 U.S.C. 470w(5); 36 CFR 60 and 800.)

NOTE: The National Register is updated and re-published in the FEDERAL REGISTER each year in February. To ascertain whether a proposal affects a historical property of national significance, inquiries also may be made to the appropriate State Historic Preservation Officer, *see* 16 U.S.C. 470a(b); 36 CFR Parts 63 and 800.

(5) Facilities that may affect Indian religious sites.

(6) Facilities to be located in a flood Plain (*See* Executive Order 11988.)

(7) Facilities whose construction will involve significant change in surface features (e.g., wetland fill, deforestation or water diversion). (In the case of wetlands on Federal property, *see* Executive Order 11990.)

(8) Antenna towers and/or supporting structures that are to be equipped with high intensity white lights which are to be located in residential neighborhoods, as defined by the applicable zoning law.

(b) In addition to the actions listed in paragraph (a) Commission actions granting construction permits, licenses to transmit or renewals thereof, or Commission actions authorizing modifications in existing facilities, will require the preparation of an EA if the particular facility or operation would cause exposure of workers or the general public to levels of radiofrequency radiation in excess of the "Radio Frequency Protection Guides" recommended in "American National Standard Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 kHz to 100 GHz," (ANSI C95.1-1982), issued by the American National Standards Institute (ANSI), 1430 Broadway, New York, New York 10018, Copyright 1982 by the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, New York 10017.

NOTE 1: Paragraph (b) shall apply to facilities and operations licensed or authorized under the following Parts of the Commission's Rules: 5, 25, 73, 74 (subpart A), 74 (subpart G), 74 (subpart L; applicable only to FM booster stations with output powers in excess of 10 watts), and 80 (applicable only to ship earth stations). Facilities and operations licensed or authorized under all other parts, subparts, or sections of the Commission's Rules shall be categorically excluded from consideration under paragraph (b).

NOTE 2: When the exposure guidelines specified in paragraph (b) are exceeded in an accessible area due to emissions from multiple transmitters, actions necessary to bring the area into compliance with the guidelines shall be the shared responsibility of all licensees (not otherwise categorically excluded under Note 1) whose transmitters produce fields at the area in question in excess of 1% of the exposure limits applicable to their transmitter. Applicants for proposed facilities or modifications (not otherwise categorically excluded under Note 1) that would cause non-compliance at an area previously in compliance must submit an Environmental Assessment in accordance with §§ 1.1308 and 1.1311 if emissions from the applicant's facility would exceed 1% of the exposure limit applicable to that facility. Renewal applicants whose facilities contribute radiation to an area not in compliance under paragraph (b) must submit an Environmental Assessment if their transmitter's contribution to the area of noncompliance exceeds 1% of the exposure limit applicable to that transmitter.

NOTE 3: Any of the exclusions from consideration under paragraph (b) noted above may be superseded by actions taken by the Commission under the provisions of paragraph (c) or (d) of this section.

(c) If an interested person alleges that a particular action, otherwise categorically excluded, will have a significant environmental effect, the person shall submit to the Bureau responsible for processing that action a written petition setting forth in detail the reasons justifying or circumstances necessitating environmental consideration in the decision-making process. (*See* § 1.1313). The Bureau shall review the petition and consider the environmental concerns that have been raised. If the Bureau determines that the action may have a significant environmental impact, the Bureau will require the applicant to prepare an EA (*see* §§ 1.1308 and 1.1311), which will serve as the basis for the determination to proceed with or terminate environmental processing.

(d) If the Bureau responsible for processing a particular action, otherwise categorically excluded, determines that the proposal may have a significant environmental impact, the Bureau, on its own motion, shall require the applicant to submit an EA. The Bureau will review and consider the EA as in paragraph (c) of this section.

[51 FR 15000, Apr. 22, 1986, as amended at 52 FR 13241, Apr. 22, 1987; 53 FR 28224, July 27, 1988; 53 FR 28393, July 28, 1988; 54 FR 30548, July 21, 1989; 55 FR 2381, Jan. 24, 1990]

§ 1.1308 Consideration of environmental assessments (EAs); findings of no significant impact.

(a) Applicants shall prepare EAs for actions that may have a significant environmental impact (*see* § 1.1307). An EA is described in detail in § 1.1311 of this part of the Commission rules.

(b) The EA is a document which shall explain the environmental consequences of the proposal and set forth sufficient analysis for the Bureau or the Commission to reach a determination that the proposal will or will not have a significant environmental effect. To assist in making that determination, the Bureau or the Commission may request further information from the applicant, interested persons, and agencies and authorities which have jurisdiction by law or which have relevant expertise.

NOTE: With respect to actions specified under § 1.1307(a)(3) and (a)(4), the Commission shall solicit and consider the comments of the Department of Interior, and the State Historic Preservation Officer and the Advisory Council on Historic Preservation, respectively, in accordance with their established procedures. *See* Interagency Cooperation—Endangered Species Act of 1973, as amended, 50 CFR Part 402; Protection of Historic and Cultural Properties, 36 CFR Part 800. In addition, when an action interferes with or adversely affects an American Indian tribe's religious site, the Commission shall solicit the views of that American Indian tribe. *See* § 1.1307(a)(5).

(c) If the Bureau or the Commission determines, based on an independent review of the EA and any applicable mandatory consultation requirements imposed upon federal agencies (*see* note above), that the proposal will have a significant environmental impact upon the quality of the human environment, it will so inform the applicant. The applicant will then have an opportunity to amend its application so as to reduce, minimize, or eliminate environmental problems. *See* § 1.1309. If the environmental problem is not eliminated, the Bureau will publish in the FEDERAL REGISTER a Notice of Intent (*see* § 1.1314) that EISs will be prepared (*see* §§ 1.1315 and 1.1317), or

(d) If the Bureau or Commission determines, based on an independent review of the EA, and any mandatory consultation requirements imposed upon federal agencies (*see* the note to paragraph (b) of this section), that the proposal would not have a significant impact, it will make a finding of no significant impact. Thereafter, the application will be processed without further documentation of environmental effect. Pursuant to CEQ regulations, *see* 40 CFR 1501.4 and 1501.6, the applicant must provide the community notice of the Commission's finding of no significant impact.

[51 FR 15000, Apr. 22, 1986; 51 FR 18889, May 23, 1986, as amended at 53 FR 28394, July 28, 1988]

§ 1.1309 Application amendments.

Applicants are permitted to amend their applications to reduce, minimize or eliminate potential environmental problems. As a routine matter, an applicant will be permitted to amend its application within thirty (30) days after the Commission or the Bureau informs the applicant that the proposal will have a significant impact upon the quality of the human environment (*see* § 1.1308(c)). The period of thirty (30) days may be extended upon a showing of good cause.

§ 1.1311 Environmental information to be included in the environmental assessment (EA).

(a) The applicant shall submit an EA with each application that is subject to environmental processing (*see* § 1.1307). The EA shall contain the following information:

(1) For antenna towers and satellite earth stations, a description of the facilities as well as supporting structures and appurtenances, and a description of the site as well as the surrounding area and uses. If high intensity white lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.

(2) A statement as to the zoning classification of the site, and communications with, or proceedings before and determinations (if any) made by zoning, planning, environmental or other local, state or federal authorities on matters relating to environmental effect.

(3) A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.

(4) A discussion of environmental and other considerations which led to the selection of the particular site and, if relevant, the particular facility; the nature and extent of any unavoidable adverse environmental effects, and any alternative sites or facilities which have been or might reasonably be considered.

(5) Any other information that may be requested by the Bureau or Commission.

(6) If endangered or threatened species or their critical habitats may be affected, the applicant's analysis must utilize the best scientific and commercial data available, *see* 50 CFR 402.14(c).

(b) The information submitted in the EA shall be factual (not argumentative or conclusory) and concise with sufficient detail to explain the environmental consequences and to enable the Commission or Bureau, after an independent review of the EA, to reach a determination concerning the proposal's environmental impact, if any. The EA shall deal specifically with any feature of the site which has special environmental significance (*e.g.*, wilderness areas, wildlife preserves, natural migration paths for birds and other wildlife, and sites of historic, architectural, or archeological value). In the case of historically significant sites, it shall specify the effect of the facilities on any district, site, building, structure or object listed, or eligible for listing, in the National Register of Historic Places. It shall also detail any substantial change in the character of the land utilized (*e.g.*, deforestation, water diversion, wetland fill, or other extensive change of surface features). In the case of wilderness areas, wildlife preserves, or other like areas, the statement shall discuss the effect of any continuing pattern of human intrusion into the area (*e.g.*, necessitated by the operation and maintenance of the facilities).

(c) The EA shall also be accompanied with evidence of site approval which has been obtained from local or federal land use authorities.

(d) To the extent that such information is submitted in another part of the application, it need not be duplicated in the EA, but adequate cross-reference to such information shall be supplied.

(e) An EA need not be submitted to the Commission if another agency of the Federal Government has assumed responsibility for determining whether of the facilities in question will have a significant effect on the quality of the human environment and, if it will, for invoking the environmental impact statement process.

[51 FR 15000, Apr. 22, 1986, as amended at 51 FR 18889, May 23, 1986; 53 FR 28394, July 28, 1988]

§ 1.1312 Facilities for which no preconstruction authorization is required.

(a) In the case of facilities for which no Commission authorization prior to construction is required by the Commission's rules and regulations the licensee or applicant shall initially ascertain whether the proposed facility may have a significant environmental impact as defined in § 1.1307 of this part or is categorically excluded from environmental processing under § 1.1306 of this part.

(b) If a facility covered by paragraph (a) of this section may have a significant environmental impact, the information required by § 1.1311 of this part shall be submitted by the licensee or applicant and ruled on by the Commission, and environmental processing (if invoked) shall be completed, see § 1.1308 of this part, prior to the initiation of construction of the facility.

(c) If a facility covered by paragraph (a) of this section is categorically excluded from environmental processing, the licensee or applicant may proceed with construction and operation of the facility in accordance with the applicable licensing rules and procedures.

(d) Paragraphs (a) through (c) of this section shall not apply to the construction of mobile stations.

[55 FR 20396, May 16, 1990]

§ 1.1313 Objections.

(a) In the case of an application to which section 309(b) of the Communications Act applies, objections based on environmental considerations shall be filed as petitions to deny.

(b) Informal objections which are based on environmental considerations must be filed prior to grant of the construction permit, or prior to authorization for facilities that do not require construction permits, or pursuant to the applicable rules governing services subject to lotteries.

§ 1.1314 Environmental impact statements (EISs).

(a) Draft Environmental Impact Statements (DEISs) (§ 1.1315) and Final Environmental Impact Statements (FEISs) (referred to collectively as EISs) (§ 1.1317) shall be prepared by the Bureau responsible for processing the proposal when the Commission's or the Bureau's analysis of the EA (§ 1.1308) indicates that the proposal will have a significant effect upon the environment and the matter has not been resolved by an amendment.

(b) As soon as practically feasible, the Bureau will publish in the FEDERAL REGISTER a Notice of Intent to prepare EISs. The Notice shall briefly identify the proposal, concisely describe the environmental issues and concerns presented by the subject application, and generally invite participation from affected or involved agencies, authorities and other interested persons.

(c) The EISs shall not address nonenvironmental considerations. To safeguard against repetitive and unnecessarily lengthy documents, the Statements, where feasible, shall incorporate by reference material set forth in previous documents, with only a brief summary of its content. In preparing the EISs, the Bureau will identify and address the significant environmental issues and eliminate the insignificant issues from analysis.

(d) To assist in the preparation of the EISs, the Bureau may request further information from the applicant, interested persons and agencies and authorities, which have jurisdiction by law or which have relevant expertise. The Bureau may direct that technical studies be made by the applicant and that the applicant obtain expert opinion concerning the potential environmental problems and costs associated with the proposed action, as well as comparative analyses of alternatives. The Bureau may also consult experts in an effort to identify measures that could be taken to minimize the adverse effects and alternatives to the proposed facilities that are not, or are less, objectionable. The Bureau may also direct that objections be raised with appropriate local, state or federal land use agencies or authorities (if their views have not been previously sought).

(e) The Bureau responsible for processing the particular application and, thus, preparing the EISs shall draft supplements to Statements where significant new circumstances occur or information arises relevant to environ-

iental concerns and bearing upon the
pplication.

(f) The Application, the EA, the
EIS, and the FEIS and all related
ocuments, including the comments
led by the public and any agency,
hall be part of the administrative
ecord and will be routinely available
or public inspection.

(g) If EISs are to be prepared, the
pplicant must provide the community
ith notice of the availability of envi-
onmental documents and the sched-
ling of any Commission hearings in
hat action.

(h) The timing of agency action with
espect to applications subject to EISs
set forth in 40 CFR 1506.10. No deci-
on shall be made until ninety (90)
ays after the Notice of Availability of
e Draft Environmental Impact
tatement is published in the Federal
egister, and thirty (30) days after the
otice of Availability of the Final En-
ronmental Impact Statement is pub-
shed in the Federal Register, which
me period may run concurrently, *See*
) CFR 1506.10(c); *see also*
1.1315(b) and 1.1317(b).

(i) Guidance concerning preparation
the Draft and Final Environmental
atements is set out in 40 CFR Part
02.

1 FR 15000, Apr. 22, 1986, as amended at
FR 28394, July 28, 1988]

.1315 The Draft Environmental Impact Statement (DEIS); Comments.

(a) The DEIS shall include:

(1) A concise description of the pro-
sal, the nature of the area affected,
uses, and any specific feature of the
ea that has special environmental
nificance;

(2) An analysis of the proposal, and
asonable alternatives exploring the
portant consequent advantages
d/or disadvantages of the action
d indicating the direct and indirect
fects and their significance in terms
the short and long-term uses of the
man environment.

(b) When a DEIS and supplements,
any, are prepared, the Commission
all send five copies of the State-
ent, or a summary, to the Office of
deral Activities, Environmental Pro-
ction Agency. Additional copies, or
mmaries, will be sent to the appropriate regional office of the Environmental Protection Agency. Public Notice of the availability of the DEIS will be published in the Federal Register by the Environmental Protection Agency.

(c) When copies or summaries of the DEIS are sent to the Environmental Protection Agency, the copies or summaries will be mailed with a request for comment to federal agencies having jurisdiction by law or special expertise, to the Council on Environmental Quality, to the applicant, to individuals, groups and state and local agencies known to have an interest in the environmental consequences of a grant, and to any other person who has requested a copy.

(d) Any person or agency may comment on the DEIS and the environmental effect of the proposal described therein within 45 days after notice of the availability of the statement is published in the Federal Register. A copy of those comments shall be mailed to the applicant by the person who files them pursuant to 47 CFR 1.47. An original and one copy shall be filed with the Commission. If a person submitting comments is especially qualified in any way to comment on the environmental impact of the facilities, a statement of his or her qualifications shall be set out in the comments. In addition, comments submitted by an agency shall identify the person(s) who prepared them.

(e) The applicant may file reply comments within 15 days after the time for filing comments has expired. Reply comments shall be filed with the Commission in the same manner as comments, and shall be served by the applicant on persons or agencies which filed comments.

(f) The preparation of a DEIS and the request for comments shall not open the application to attack on other grounds.

§ 1.1317 The Final Environmental Impact Statement (FEIS).

(a) After receipt of comments and reply comments, the Bureau will prepare a FEIS, which shall include a summary of the comments, and a response to the comments, and an analysis of the proposal in terms of its environmental consequences, and any reasonable alternatives, and recommendations, if any, and shall cite the Commission's internal appeal procedures (*See* 47 CFR 1.101-1.120).

(b) The FEIS and any supplements will be distributed and published in the same manner as specified in § 1.1315. Copies of the comments and reply comments, or summaries thereof where the record is voluminous, shall be attached to the FEIS.

§ 1.1319 Consideration of the environmental impact statements.

(a) If the action is subject to a hearing:

(1) In rendering his initial decision, the Administrative Law Judge shall utilize the FEIS in considering the environmental issues, together with all other non-environmental issues. In a comparative context, the respective parties shall be afforded the opportunity to comment on the FEIS, and the Administrative Law Judge's decision shall contain an evaluation of the respective applications based on environmental and non-environmental public interest factors.

(2) Upon review of an initial decision, the Review Board and/or the Commission will consider and assess all aspects of the FEIS and will render its decision, giving due consideration to the environmental and nonenvironmental issues.

(b) In all non-hearing matters, the Commission, as part of its decisionmaking process, will review the FEIS, along with other relevant issues, to ensure that the environmental effects are specifically assessed and given comprehensive consideration.

Subpart J—Pole Attachment Complaint Procedures

SOURCE: 43 FR 36094, Aug. 15, 1978, unless otherwise noted.

§ 1.1401 Purpose.

The rules and regulations contained in Subpart J of this part provide complaint and enforcement procedures to ensure that rates, terms and conditions for cable television pole attachments are just and reasonable.

§ 1.1402 Definitions.

(a) The term "utility" means any person whose rates or charges are regulated by the Federal Government or a State and who owns or controls poles, ducts, conduits, or rights-of-way used, in whole or in part, for wire communications. Such term does not include any railroad, any person who is cooperatively organized, or any person owned by the Federal Government or any State.

(b) The term "pole attachment" means any attachment by a cable television system to a pole, duct, conduit, or right-of-way owned or controlled by a utility.

(c) The term "usable space" means the space on a utility pole above the minimum grade level which can be used for the attachment of wires, cables, and associated equipment.

(d) The term "complaint" means a filing by a cable television system operator, a cable television system association, a utility, or an association of utilities alleging that a rate, term, or condition for a pole attachment is not just and reasonable.

(e) The term "complainant" means a cable television system operator, a cable television system association, a utility, or an association of utilities who files a complaint.

(f) The term "respondent" means a cable television system operator or a utility against whom a complaint is filed.

(g) The term "State" means any State, territory, or possession of the United States, the District of Columbia, or any political subdivision, agency, or instrumentality thereof.

[43 FR 36094, Aug. 15, 1978, as amended at 52 FR 31770, Aug. 24, 1987]

EDITORIAL NOTE: At 52 FR 31770, Aug. 24, 1987, § 1.1402 was amended by revising paragraphs (d) and (e), effective upon OMB approval of information collection requirements.

§ 1.1403 Notice of removal and petition for temporary stay.

(a) A utility shall provide a cable television system operator no less than 60 days written notice prior to (1) removal of facilities or termination of any service to those facilities, such removal or termination arising out of a rate, term or condition of a cable television pole attachment agreement, or (2) any increase in pole attachment rates.

(b) A cable television system operator may file a "Petition for Temporary Stay" of the action contained in a notice received pursuant to paragraph (a) of this section within 15 days of receipt of such notice. Such submission shall not be considered unless it includes, in concise terms, the relief sought, the reasons for such relief, including a showing of irreparable harm and likely cessation of cable television service, a copy of the notice, and certification of service as required by § 1.1404(b) of this subpart. The named respondent may file an answer within 7 days of the date the Petition for Temporary Stay was filed. No further filings under this section will be considered unless requested or authorized by the Commission and no extensions of time will be granted unless justified pursuant to § 1.46.

§ 1.1404 Complaint.

(a) The complaint shall contain the name and address of the complainant, name and address of the respondent, and shall contain a verification (in the form in § 1.721(b)), signed by the complainant or officer thereof if complainant is a corporation, showing complainant's direct interest in the matter complained of. Counsel for the complainant may sign the complaint. Complainants may join together to file a joint complaint. Complaints filed by associations shall specifically identify each utility or cable television company who is a party to the complaint and shall be accompanied by a document from each identified member certifying that the complaint is being filed on its behalf.

(b) The complaint shall be accompanied by a certification of service on the named respondent and each State, Federal or local agency which regulates any aspect of service provided by the utility or cable television system named as either complainant or respondent.

(c) The complaint shall contain a statement that the State has not certified to the Commission that it regulates the rates, terms and conditions for pole attachments, and that the utility is not owned by any railroad, any person who is cooperatively organized or any person owned by the Federal Government or any State.

(d) The complaint shall be accompanied by a copy of the pole attachment agreement, if any, between the cable system operator and the utility. If there is no present pole attachment agreement, the complaint shall contain:

(1) A statement that the utility uses or controls poles, ducts, or conduits used or designated, in whole or in part, for wire communication; and

(2) A statement that the cable television operator currently has attachments on the poles.

(e) The complaint shall state with specificity the pole attachment rate, term or condition which is claimed to be unjust or unreasonable.

(f) In any case, where it is claimed that a term or condition is unjust or unreasonable, the claim shall specify all information and argument relied upon to justify said claim.

(g) In a case where it is claimed that either a rate is unjust or unreasonable, or a term or condition is unjust or unreasonable and examination of such term or condition requires review of the associated rate, the complaint shall provide data and information in support of said claim. The data and information shall include, where applicable:

(1) The gross investment by the utility for pole lines;

(2) The investment in crossarms and other items which do not reflect the cost of owning and maintaining poles, if available;

(3) The depreciation reserve from the gross pole line investment;

(4) The depreciation reserve from the investment in crossarms and other items which do not reflect the cost of owning and maintaining poles, if available;

(5) The total number of poles: (i) Owned; and (ii) controlled or used by the utility.

If any of these poles are jointly owned, the complaint shall specify the number of such jointly owned poles and the percentage of each joint pole or the number of equivalent poles owned by the subject utility;

(6) The total number of poles which are the subject of the complaint;

(7) The number of poles included in paragraph (g)(6) of this section that are controlled or used by the utility through lease between the utility and other owner(s), and the annual amounts paid by the utility for such rental;

(8) The number of poles included in paragraph (g)(6) of this section that are owned by the utility and that are leased to other users by the utility, and the annual amounts paid to the utility for such rental;

(9) The annual carrying charges attributable to the cost of owning a pole. These charges may be expressed as a percentage of the net pole investment. With its pleading, the utility shall file a copy of the latest decision of the state regulatory body or state court which determines the treatment of accumulated deferred taxes if it is at issue in the proceeding and shall note the section which specifically determines the treatment and amount of accumulated deferred taxes.

(10) The rate of return authorized for the utility for intrastate service. With its pleading, the utility shall file a copy of the latest decision of the state regulatory body or state court which establishes this authorized rate of return if the rate of return is at issue in the proceeding and shall note the section which specifically establishes this authorized rate and whether the decision is subject to further proceedings before the state regulatory body or a court;

(11) The average amount of usable space per pole for those poles used for pole attachments (13.5 feet may be in lieu of actual measurement, but may be rebutted);

(12) Reimbursements received from CATV operators for non-recurring costs; and

Data and information should be based upon historical or original cost methodology, insofar as possible. Data should be derived from Form M, FERC 1, or other reports filed with state or Federal regulatory agencies (identify source). Calculations made in connection with these figures should be provided to the complainant. Where the attachments involve ducts, conduits, or rights of way, in whole or in part, appropriate and equivalent data and information should be filed. The complainant shall also specify any other information and argument relied upon to attempt to establish that a rate, term, or condition is not just and reasonable.

(h) If any of the information required in paragraph (g) of this section is not provided to the cable television operator by the utility upon reasonable request, the cable television operator shall include a statement indicating the steps taken to obtain information from the utility, including the dates of all requests. No complaint filed by a cable television operator shall be dismissed where the utility has failed to provide the information in paragraph (g) of this section after such reasonable request. A utility should supply a cable television system operator the information required in paragraph (g) of this section, along with the supporting pages from its FERC Form 1, FCC Form M, or other report to a regulatory body, within 30 days of the request by the cable operator. (The cable operator, in turn, shall submit these pages with its complaint). If the utility did not supply these pages to the cable operator in response to the information request, it shall supply this information in its response to the complaint.

(i) The complaint shall include a brief summary of all steps taken to resolve the problem prior to filing. If no such steps were taken, the complaint shall state the reason(s) why it believed such steps were fruitless.

(j) Factual allegations shall be supported by affidavit of a person or persons with actual knowledge of the facts, and exhibits shall be verified by the person who prepares them.

[43 FR 36094, Aug. 15, 1978, as amended at 44 FR 31649, June 1, 1979; 45 FR 17014, Mar. 17, 1980; 52 FR 31770, Aug. 24, 1987]

EDITORIAL NOTE: At 52 FR 31770, Aug. 24, 1987, § 1.1404 was amended by revising paragraphs (a), (d) (1) and (2), (g) (2), (4), (5), (9) and (10), (h) and (i), effective upon OMB approval of information collection requirements.

§ 1.1405 File numbers.

Each complaint which appears to be essentially complete under § 1.1404 will be accepted and assigned a file number. Such assignment is for administrative purposes only and does not necessarily mean that the complaint has been found to be in full compliance with other sections in this subpart. Petitions for temporary stay will also be assigned a file number upon receipt.

[44 FR 31650, June 1, 1979]

§ 1.1406 Dismissal of complaints.

(a) The complaint shall be dismissed for lack of jurisdiction in any case where a suitable certificate has been filed by a State pursuant to § 1.1414 of this subpart. Such certificate shall be conclusive proof of lack of jurisdiction of this Commission. A complaint against a utility shall also be dismissed if the utility does not use or control poles, ducts, or conduits used or designated, in whole or in part, for wire communication or if the utility does not meet the criteria of § 1.1402(a) of this subpart.

(b) If the complaint does not contain substantially all the information required under § 1.1404 the Commission may dismiss the complaint or may require the complainant to file additional information. The complaint shall not be dismissed if the information is not available from public records or from the respondent utility after reasonable request.

(c) Failure by the complainant to respond to official correspondence or a request for additional information will be cause for dismissal.

(d) Dismissal under provisions of paragraph (b) of this section above will be with prejudice if the complaint has been dismissed previously. Such a complaint may be refiled no earlier than six months from the date it was so dismissed.

[43 FR 36094, Aug. 15, 1978, as amended at 44 FR 31650, June 1, 1979]

§ 1.1407 Response and reply.

(a) Respondent shall have 30 days from the date the complaint was filed within which to file a response. Complainant shall have 20 days from the date the response was filed within which to file a reply. Extensions of time to file are not contemplated unless justification is shown pursuant to § 1.46. Except as otherwise provided in § 1.1403, no other filings and no motions other than for extension of time will be considered unless authorized by the Commission. The response should set forth justification for the rate, term, or condition alleged in the complaint not to be just and reasonable. Factual allegations shall be supported by affidavit of a person or persons with actual knowledge of the facts and exhibits shall be verified by the person who prepares them. The response, reply, and other pleadings may be signed by counsel.

(b) The response shall be served on the complainant and all parties listed in complainant's certificate of service.

(c) The reply shall be served on the respondent and all parties listed in respondent's certificate of service.

(d) Failure to respond may be deemed an admission of the material factual allegations contained in the complaint.

[44 FR 31650, June 1, 1979]

§ 1.1408 Number of copies and form of pleadings.

(a) An original and three copies of the complaint, response, and reply shall be filed with the Commission.

(b) All papers filed in the complaint proceeding must be drawn in conformity with the requirements of §§ 1.49, 1.50 and 1.52.

§ 1.1409 Commission consideration of the complaint.

(a) In its consideration of the complaint, response, and reply, the Commission may take notice of any information contained in publicly available filings made by the parties and may accept, subject to rebuttal, studies that have been conducted. The Commission may also request that one or more of the parties make additional filings or provide additional information. Where one of the parties has failed to provide information required to be provided by these rules or requested by the Commission, or where costs, values or amounts are disputed, the Commission may estimate such costs, values or amounts it considers reasonable, or may decide adversely to a party who has failed to supply requested information which is readily available to it, or both.

(b) The complainant shall have the burden of establishing a prima facie case that the rate, term, or condition is not just and reasonable. If, however, a utility argues that the proposed rate is lower than its incremental costs, the utility has the burden of establishing that such rate is below the statutory minimum just and reasonable rate.

(c) The Commission shall determine whether the rate, term or condition complained of is just and reasonable. For the purposes of this paragraph, a rate is just and reasonable if it assures a utility the recovery of not less than the additional costs of providing pole attachments, nor more than an amount determined by multiplying the percentage of the total usable space, or the percentage of the total duct or conduit capacity, which is occupied by the pole attachment by the sum of the operating expenses and actual capital costs of the utility attributable to the entire pole, duct, conduit, or right-of-way.

(d) If the Commission determines that the complainant has not established a prima facie case or that the rate, term, or condition complained of is just and reasonable, it shall deny the complaint.

[43 FR 36094, Aug. 15, 1978, as amended at 52 FR 31770, Aug. 24, 1987]

EDITORIAL NOTE: At 52 FR 31770, Aug. 24, 1987, § 1.1409 was amended by revising paragraph (b), effective upon OMB approval of information collection requirements.

§ 1.1410 Remedies.

If the Commission determines that the rate, term, or condition complained of is not just and reasonable, it may prescribe a just and reasonable rate, term, or condition and may:

(a) Terminate the unjust and unreasonable rate, term, or condition;

(b) Substitute in the pole attachment agreement the just and reasonable rate, term, or condition established by the Commission; and

(c) Order a refund, or payment, if appropriate. The refund or payment will normally be the difference between the amount paid under the unjust and/or unreasonable rate, term, or condition and the amount that would have been paid under the rate, term, or condition established by the Commission from the date that the complaint, as acceptable, was filed, plus interest.

[44 FR 31650, June 1, 1979]

§ 1.1411 Meetings and hearings.

The Commission may decide each complaint upon the filings and information before it, may require one or more informal meetings with the parties to clarify the issues or to consider settlement of the dispute, or may, in its discretion, order evidentiary procedures upon any issues it finds to have been raised by the filings.

§ 1.1412 Enforcement.

If the respondent fails to obey any order imposed under this subpart, the Commission on its own motion or by motion of the complainant may order the respondent to show cause why it should not cease and desist from violating the Commission's order.

§ 1.1413 Forfeiture.

(a) If any person willfully fails to obey any order imposed under this subpart, or any Commission rule, or

(b) If any person shall in any written response to Commission correspondence or inquiry or in any application, pleading, report, or any other written statement submitted to the Commission pursuant to this subpart make any misrepresentation bearing on any matter within the jurisdiction of the Commission, the Commission may, in addition to any other remedies, including criminal penalties under section 1001 of Title 18 of the United States Code, impose a forfeiture pursuant to section 503(b) of the Communications Act, 47 U.S.C. 503(b).

§ 1.1414 State certification.

(a) If the Commission does not receive certification from a state that:

(1) It regulates rates, terms and conditions for pole attachments;

(2) In so regulating such rates, terms and conditions, the state has the au-

thority to consider and does consider the interests of the subscribers of cable television services as well as the interests of the consumers of the utility services; and,

(3) It has issued and made effective rules and regulations implementing the state's regulatory authority over pole attachments (including a specific methodology for such regulation which has been made publicly available in the state), it will be rebuttably presumed that the state is not regulating pole attachments.

(b) Upon receipt of such certification, the Commission shall give public notice. In addition, the Commission shall compile and publish from time to time, a listing of states which have provided certification.

(c) Upon receipt of such certification, the Commission shall forward any pending case thereby affected to the state regulatory authority, shall so notify the parties involved and shall give public notice thereof.

(d) Certification shall be by order of the state regulatory body or by a person having lawful delegated authority under provisions of state law to submit such certification. Said person shall provide in writing a statement that he or she has such authority and shall cite the law, regulation or other instrument conferring such authority.

(e) Notwithstanding any such certification, jurisdiction will revert to this Commission with respect to any individual matter, unless the state takes final action on a complaint regarding such matter:

(1) Within 180 days after the complaint is filed with the state, or

(2) Within the applicable periods prescribed for such final action in such rules and regulations of the state, if the prescribed period does not extend beyond 360 days after the filing of such complaint.

[43 FR 36094, Aug. 15, 1978, as amended at 44 FR 31650, June 1, 1979; 50 FR 18659, May 5, 1985]

§ 1.1415 Other orders.

The Commission may issue such other orders and so conduct its proceedings as will best conduce to the proper dispatch of business and the ends of justice.

Subpart K—Implementation of the Equal Access to Justice Act (EAJA) in Agency Proceedings

AUTHORITY: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)).

SOURCE: 47 FR 3786, Jan. 27, 1982, unless otherwise noted.

GENERAL PROVISIONS

§ 1.1501 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the EAJA" in this subpart), provides for the award of attorney's fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before the Commission. An eligible party may receive an award when it prevails over the Commission, unless the Commission's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the Commission will use to make them.

§ 1.1502 When the EAJA applies.

The EAJA applies to any adversary adjudication pending or commenced before the Commission on or after August 5, 1985. It also applies to any adversary adjudication commenced on or after October 1, 1984, and finally disposed of before August 5, 1985, provided that an application for fees and expenses, as described in Subpart B of these rules, had been filed with the Commission within 30 days after August 5, 1985.

[52 FR 11653, Apr. 10, 1987]

§ 1.1503 Proceedings covered.

(a) The EAJA applies to adversary adjudications conducted by the Commission. These are adjudications under 5 U.S.C. 554 in which the position of the Commission or any other agency of the United States, or any component of an agency, is presented by an attorney or other representative who enters an appearance and participates in the proceeding. Any proceeding in which this Agency may fix a lawful present or future rate is not covered by the EAJA. Proceedings to grant or renew licenses are also excluded, but proceedings to modify, suspend, or revoke licenses are covered if they are otherwise "adversary adjudications".

(b) The Commission may designate a proceeding as an adversary adjudication for purposes of the EAJA by so stating in an order initiating the proceeding or designating the matter for hearing. The Commission's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the EAJA; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(c) If a proceeding includes both matters covered by the EAJA and matters specifically excluded from coverage, any awards made will include only fees and expenses related to covered issues.

[47 FR 3786, Jan. 27, 1982, as amended at 52 FR 11653, Apr. 10, 1987]

§ 1.1504 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the EAJA, the applicant must be a party, as defined in 5 U.S.C. 551(3), to the adversary adjudication for which it seeks an award. The applicant must show that it meets all conditions of eligibility set out in this paragraph and in paragraph (b) of this section.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $2 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $7 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable association as defined in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees;

(5) Any other partnership, corporation, association, unit of local government, or organization with a net worth of not more than $7 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The number of employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the Administrative Law Judge determines that such treatment would be unjust and contrary to the purposes of the EAJA in light of the actual relationship between the affiliated entities. In addition, the Administrative Law Judge may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

[47 FR 3786, Jan. 27, 1982, as amended at 52 FR 11653, Apr. 10, 1987]

§ 1.1505 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection either with a proceeding, or with a significant and discrete substantive portion of a proceeding, unless the Administrative Law Judge determines that the position of the Commission over which the applicant has prevailed was substantially justified. The position of the Commission includes, in addition to the position taken by the Commission in the adversary adjudication, the action or failure to act by the agency upon which the adversary adjudication is based. The burden of proof that an award should not be made to an eligible prevailing applicant is on the appropriate Bureau (see § 1.21 of this chapter) whose representative shall be called "Bureau counsel" in this subpart. To avoid an award a Bureau must demonstrate that its position was substantially justified in law and fact or that special circumstances make an award unjust.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

[47 FR 3786, Jan. 27, 1982, as amended at 52 FR 11653, Apr. 10, 1987]

§ 1.1506 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses.

(b) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which the Commission pays expert witnesses. However, an award may also include the reasonable expenses of the attorney; agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges its clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the Administrative Law Judge shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the service provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

(e) Fees may be awarded only for work performed after designation of a proceeding or after issuance of a show cause order.

§ 1.1507 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorney's qualified to handle certain types of proceedings), the Commission may adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this part. The Commission will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act.

(b) Any person may file with the Commission a petition for rulemaking to increase the maximum rate for attorney fees, in accordance with Subpart C of this chapter. The petition should identify the rate the petitioner believes this agency should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. This agency will respond to the petition by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

§ 1.1508 Awards against other agencies.

If an applicant is entitled to an award because it prevails over another agency of the United States that participates in a proceeding before the Commission and takes a position that is not substantially justified, the award for an appropriate portion of the award shall be made against that agency. Counsel for that agency shall be treated as Bureau counsel for the purpose of this subpart.

INFORMATION REQUIRED FROM APPLICANTS

§ 1.1511 Contents of application.

(a) An application for an award of fees and expenses under EAJA shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of an agency or agencies in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $2 million (if an individual) or $7 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes the Commission to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

[47 FR 3786, Jan. 27, 1982, as amended at 52 FR 11653, Apr. 10, 1987]

§ 1.1512 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 1.1504(f) of this part) at the time the proceeding was designated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this subpart. The Administrative Law Judge may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the Administrative Law Judge in a sealed enevelope labeled "Confidential Financial Information", accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the

Freedom of Information Act, 5 U.S.C. 552(b)(1)-(9), why public disclosue of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on Bureau counsel, but need not be served on any other party to the proceeding. If the Administrative Law Judge finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Commission's established procedures under the Freedom of Information Act, §§ 0.441 through 0.466 of this chapter.

§ 1.1513 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which and award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing hours spent in connection with the proceeding by each individual, a description of this specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The Administrative Law Judge may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 1.1514 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after the Commission's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the later of (1) the date on which an initial decision or other recommended disposition of the merits of the proceeding by an Administrative Law Judge or the Review Board becomes administratively final; (2) issuance of an order disposing of any applications for review or petitions for reconsideration of the Commission's order in the proceeding; (3) if no application for review or petition for reconsideration is filed, the last date on which such an application or petition could have been filed; (4) issuance of a final order by the Commission or any other final resolution of a proceeding, such as settlement or voluntary dismissal, which is not subject to a petition for reconsideration, or to a petition for judicial review; or (5) completion of judicial action on the underlying controversy and any subsequent Commission action pursuant to judicial mandate.

PROCEDURES FOR CONSIDERING APPLICATIONS

§ 1.1521 Filing and service of documents.

Any application for an award or other pleading relating to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 1.1512(b) for confidential financial information.

§ 1.1522 Answer to application.

(a) Within 30 days after service of an application Bureau counsel may file an answer to the application. Unless Bureau counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award request.

(b) If Bureau counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the Administrative Law Judge upon request by Bureau counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of Bureau counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, Bureau counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 1.1526.

§ 1.1523 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 1.1526.

§ 1.1524 Comments by other parties.

Any party to a proceeding other than the applicant and Bureau counsel may file comments on an application within 30 days after it is served or an answer within 15 days often it is served. A commenting party may not participate further in proceedings on the application unless the Administrative Law Judge determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 1.1525 Settlement.

The applicant and Bureau counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded. If a prevailing party and Bureau counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement. If the Administrative Law Judge approves the proposed settlement, it shall be forwarded to the Commission for final approval.

§ 1.1526 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or Bureau counsel, or on his or her own initiative, the Administrative Law Judge may order further proceedings, such as an informal conference, oral argument, additional written submissions or, as to issues other than substantial justification, an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.
Whether or not the position of the
agency was substantially justified
shall be determined on the basis of the
administrative record, as a whole
which is made in the adversary adjudi
cation for which fees and other ex
penses are sought.

(b) A request that the Administra
tive Law Judge order further procee
ings under this section shall specifical
ly identify the information sought o
the disputed issues and shall explai
why the additional proceedings ar
necessary to resolve the issues.

[47 FR 3786, Jan. 27, 1982, as amended at
FR 11653, Apr. 10, 1987]

§ 1.1527 Decision.

The Administrative Law Judge sha
issue an initial decision on the applic
tion as soon as possible after compl
tion of proceedings on the applicatio
The decision shall include writt
findings and conclusions on the app
cant's eligibility and status as a p
vailing party, and an explanation
the reasons for any difference betwe
the amount requested and the amou
awarded. The decision shall also
clude, if at issue, findings on wheth
the Commission's position was s
stantially justified, whether the ap
cant unduly protracted the proce
ings, or whether special circumstan
make an award unjust. If the ap
cant has sought an award agai
more than one agency, the decis
shall allocate responsibility for p
ment of any award made among
agencies, and shall explain the reas
for the allocation made.

§ 1.1528 Commission review.

Either the applicant or Bureau counsel may seek Commission review of the initial decision on the fee application, or the Commission may decide to review the decision on its own initiative, in accordance with §§ 1.276 through 1.282 of this chapter. Except as provided in § 1.1525, if neither the applicant nor Bureau counsel seeks review and the Commission does not take review on its own initiative, the initial decision on the application shall become a final decision of the Commission 50 days after it is issued. Whether to review a decision is a matter within the discretion of the Commission. If review is taken, the Commission will issue a final decision on the application or remand the application to the Administrative Law Judge for further proceedings.

§ 1.1529 Judicial review.

Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 1.1530 Payment of award.

An applicant seeking payment of an award from the Commission shall submit to the General Counsel a copy of the Commission's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts, or a copy of the court's order directing payment. The Commission will pay the amount awarded to the applicant unless judicial review of the award or the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

Subpart L—Random Selection Procedures for Mass Media Services

AUTHORITY: 47 U.S.C. 309(i).

SOURCE: 48 FR 27202, June 13, 1983, unless otherwise noted.

GENERAL PROCEDURES

§ 1.1601 Scope.

The provisions of this subpart, and the provisions referenced herein, shall apply to applications for initial licenses or construction permits or for major changes in the facilities of authorized stations in the following services:

(a) Low Power Television and Television Translator Broadcasting.

§ 1.1602 Designation for random selection.

Applications in the services specified in § 1.1601 shall be tendered, accepted or dismissed, filed, publicly noted and subject to random selection and hearing in accordance with any relevant rules. Competing applications for an initial license or construction permit shall be designated for random selection and hearing in accordance with the procedures set forth in §§ 1.1603 through 1.1623 and § 73.3572 of this chapter.

§ 1.1603 Conduct of random selection.

The random selection probabilities will be calculated in accordance with the formula set out in rules §§ 1.1621 through 1.1623.

[48 FR 27202, June 13, 1983, as amended at 48 FR 43330, Sept. 23, 1983]

§ 1.1604 Post-selection hearings.

(a) Following the random selection, the Commission shall announce the "tentative selectee" and, where permitted by § 73.3584 invite Petitions to Deny its application. Following the responsive pleadings thereto, the Commission shall:

(1) In the case of low power television stations, take action pursuant to either §§ 73.3591, 73.3592 or § 73.3593.

(b) If, after such hearing as may be necessary, the Commission determines that the "tentative selectee" has met the requirements of § 73.3591(a) it will make the appropriate grant. If the Commission is unable to make such a determination, it shall order that another random selection be conducted from among the remaining mutually exclusive applicants, in accordance with the provisions of this subpart.

(c) If, on the basis of the papers before it, the Commission determines that a substantial and material question of fact exists, it shall designate that question for hearing. Hearings may be conducted by the Commission or, in the case of a matter which requires oral testimony for its resolution, an Administrative Law Judge.

§ 1.1621 Definitions.

(a) Medium of mass communications means:

(1) A daily newspaper;

(2) A cable television system; and

(3) A license or construction permit for

(i) A television station, including low power TV or TV translator,

(ii) A standard (AM) radio station,

(iii) An FM radio station,

(iv) A direct broadcast satellite transponder under the editorial control of the licensee, and

(v) A Multipoint Distribution Service station.

(b) Minority group means:

(1) Blacks,

(2) Hispanics

(3) American Indians,

(4) Alaska Natives,

(5) Asians, and

(6) Pacific Islanders.

(c) Owner means the applicant and any individual, partnership, trust, unincorporated association, or corporation which:

(1) If the applicant is a proprietorship, is the proprietor,

(2) If the applicant is a partnership, holds any partnership interest,

(3) If the applicant is a trust, is the beneficiary thereof,

(4) If the applicant is an unincorporated association or non-stock corporation, is a member, or, in the case of a nonmembership association or corporation, a director,

(5) If the applicant is a stock corporation, is the beneficial owner of voting shares.

Note 1: For purposes of applying the diversity preference to such entities only the other ownership interests of those with a 1% or more beneficial interest in the entity will be cognizable.

Note 2: For the purposes of this section, a daily newspaper is one which is published four or more days per week, which is in the English language, and which is circulated generally in the community of publication. A college newspaper is not considered as being circulated generally.

Note 3: For the purposes of applying the diversity preference, the ownership interests of the spouse of an applicant's principal will not presumptively be attributed to the applicant.

[48 FR 27202, June 13, 1983, as amended at 50 FR 5992, Feb. 13, 1985]

§ 1.1622 Preferences.

(a) Any applicant desiring a perference in the random selection shall so indicate as part of its application. Such an applicant shall list any owner who owns all or part of a medium of mass communications or who is a member of a minority group, together with a precise identification of the ownership interest held in such medium of mass communications or name of the minority group, respectively. Such an applicant shall also state whether more than 50% of the ownership interests in it are held by members of minority groups and the number of media of mass communications more than 50% of whose ownership interests are held by the applicant and/or its owners.

(b) Preference factors as incorporated in the percentage calculations in § 1.1623, shall be granted as follows:

(1) Applicants, more than 50% of whose ownership interests are held by members of minority groups—2:1.

(2) Applicants whose owners in the aggregate hold more than 50% of the ownership interests in no other media of mass communications—2:1.

(3) Applicants whose owners in the aggregate hold more than 50% of the ownership interest in one, two or three other media of mass communications—1.5:1.

(c) Applicants may receive preferences pursuant to § 1.1622(b)(1) and either § 1.1622 (b)(2) or (b)(3).

(d) Preferences will be determined on the basis of ownership interests as of the date of release of the latest Public Notice announcing the acceptance of the last-filed mutually exclusive application.

(e) No preferences pursuant to § 1.1622(b)(2) or (b)(3) shall be granted to any LPTV or MDS applicant whose owners, when aggregated, have an ownership interest of more than 50 percent in the following media of mass communications, if the service areas of those media as described herein wholly encompass or are encompassed by the protected predicted contour, computed in accordance with § 74.707(a), of the low power TV or TV translator station for which the license or permit is sought, or computed in accordance with § 21.902(d), of the MDS station for which the license or permit is sought.

(1) AM broadcast station—predicted or measured 2 mV/m groundwave contour, computed in accordance with § 73.183 or § 73.186;

(2) FM broadcast station—predicted 1 mV/m contour, computed in accordance with § 73.313;

(3) TV broadcast station—Grade A contour, computed in accordance with § 73.684;

(4) Low power TV or TV translator station—protected predicted contour, computed in accordance with § 74.707(a);

(5) Cable television system franchise area, nor will the diversity preference be available to applicants whose proposed transmitter site is located within the franchise area of a cable system in which its owners, in the aggregate, have an ownership interest of more than 50 percent.

(6) Daily newspaper community of publication, nor will the diversity preference be available to applicants whose proposed transmitter site is located within the community of publication of a daily newspaper in which its owners, in the aggregate, have an ownership interest of more than 50 percent.

(7) Multipoint Distribution Service—station service area, computed in accordance with § 21.902(d).

[48 FR 27202, June 13, 1983, as amended at 50 FR 5992, Feb. 13, 1985; 50 FR 11161, Mar. 20, 1985]

§ 1.1623 Probability calculation.

(a) All calculations shall be computed to no less than three significant digits. Probabilities will be truncated to the number of significant digits used in a particular lottery.

(b) Divide the total number of applicants into 1.00 to determine pre-preference probabilities.

(c) Multiply each applicant's pre-preference probability by the applicable preference from § 1.1622 (b)(2) or (b)(3).

(d) Divide each applicant's probability pursuant to paragraph (c) of this section by the sum of such probabilities to determine intermediate probabilities.

(e) Add the intermediate probabilities of all applicants who received a preference pursuant to § 1.1622 (b)(2) or (b)(3).

(f)(1) If the sum pursuant to paragraph (e) of this section is .40 or greater, proceed to paragraph (g) of this section.

(2) If the sum pursuant to paragraph (e) of this section is less than .40, then multiply each such intermediate probability by the ratio of .40 to such sum. Divide .60 by the number of applicants who did not receive a preference pursuant to § 1.1622 (b)(2) or (b)(3) to determine their new intermediate probabilities.

(g) Multiply each applicant's probability pursuant to paragraph (f) of this section by the applicable preference ratio from § 1.1622(b)(1).

(h) Divide each applicant's probability pursuant to paragraph (g) of this section by the sum of such probabilities to determine the final selection percentage.

Subpart M—Implementation of Section 7 of the Radio Broadcasting to Cuba Act: Compensation of Costs of Mitigating Cuban Interference

SOURCE: 49 FR 12271, Mar. 29, 1984, unless otherwise noted.

§ 1.1701 Purpose.

(a) The regulations in this subpart implement section 7 of the Radio Broadcasting to Cuba Act, Pub. L. 98-111, 97 Stat. 749 (1983). That statute is referred to in this subpart as "the Act."

(b) Section 7 of the Act provides for the payment of compensation by the United States Information Agency (USIA) to radio broadcast station licensees for allowable expenses they incur in mitigating interference from Cuba to the broadcast service they provide. Subsection 7(c) directs the Federal Communications Commission to issue appropriate regulations and establish procedures for carrying out section 7.

(c) The regulations in this Subpart M establish the standards, requirements, and procedures that the Federal Communications Commission will apply in making findings as to whether applicants for compensation under section 7 of the Radio Broadcasting to Cuba Act qualify for it, and if they do, in what amounts. The Commission will transmit those findings to the USIA for guidance in the discharge of the responsibility that the Act places upon the USIA to make such compensation payments.

§ 1.1702 Definition of Cuban interference.

For the purposes of this Subpart M, Cuban interference to a United States AM broadcast station is radiation from a radio transmitter in Cuba at a level that, under the provisions of the Final Acts of the Regional Administrative Radio Conference, Rio de Janeiro 1981, ("the Rio AM Agreement") would be treated as causing objectionable interference if it occurred between signatory countries.

§ 1.1703 Method for calculating the level of Cuban interference.

(a) The FCC will prepare, periodically update, and make publicly available a list of Cuban stations known to be operating on the 107 channels allocated for AM broadcasting. The list will show the location and calculated operating power of each Cuban station.

(b) In order to obtain the data needed to calculate the power of Cuban stations, the Commission will arrange for the monitoring of the groundwave signals of Cuban AM stations at suitable locations. The field strengths of the signals of Cuban stations operating on all 107 AM channels and the directions from which they are transmitted will be logged as nearly semi-monthly as practicable. The data so obtained will be used in making studies on the basis of which the location and transmitter power of each Cuban station will be calculated.

(c) In order to determine the existence and level of interference to United States AM radio broadcast stations for the purposes of this subpart, Cuban stations will be presumed to be operating at the locations and with the powers determined in the manner stated in paragraphs (a) and (b) of this section; and the methods for calculating interference prescribed in the "Rio AM Agreement" referred to in § 1.1702 will be used.

§ 1.1704 Minimum level and duration of interference qualifying licensees for compensation.

In order to be eligible for compensation under section 7 of the Act, the licensee of a United States AM radio broadcast station that does not come within the exception under § 1.1706(b) of this subpart must:

(a) Using the methods provided in § 1.1703(c), and treating the station's primary and secondary service areas separately, show that a Cuban station causes objectionable interference to the affected station's signals in a portion of its primary and secondary service area where at least 10% of the total population within that otherwise interference-free primary or secondary service area reside;

(b) Using the methods provided in § 1.1705, show that the signals of a Cuban station have been detected within the service area of the affected station on at least half of the days during a prescribed test period. The reception of such Cuban signals must be separately shown to occur during that part or those parts of the day (i.e., during daytime hours, nighttime hours, or both) when the interference pertinent to an application for compensation occurs.

§ 1.1705 Method for determining duration of Cuban interference.

(a) Section 1.1703 prescribes how the *existence* and *level* of Cuban interference will be determined. This § 1.1705 prescribes how the *duration* or *incidence* of Cuban interference will be determined in order to show compliance with the minimum interference "duration" requirements of § 1.1704(b).

(b) Unless the exception in § 1.1706(b) applies, applicants for compensation shall monitor and log the signals of interfering Cuban stations in the manner prescribed in paragraphs (c) through (e) of this section, and shall submit the results of such monitoring to the Commission.

(c) Using equipment and methods conforming with good engineering practice, licensees whose applications for compensation are based on Cuban interference experienced during daytime hours shall, on 60 consecutive days, take and log field strength measurements of the signal of the interfering Cuban station between two hours after local sunrise and two hours before local sunset during brief intervals when the transmitter of the affected station is turned off. Except as provided in paragraph (e)(1) of this section, measurements shall be taken within the portion of the station's otherwise interference-free service area where the calculations performed in accordance with § 1.1703(c) predict that Cuban interference will occur.

(d) Applicants who experience interference by Cuban *groundwave* signals to their primary service areas at night shall similarly take and log field strength measurements as provided in paragraph (c) of this section, but during nighttime hours instead of during the daytime.

(e)(1) Applicants who experience nighttime interference by Cuban *skywave* signals to the primary service areas of their Class II, Class III, or Class IV stations shall similarly take and log field strength measurements of the Cuban signals on 60 consecutive days during the nighttime hours between two hours after local sunset and two hours before local sunrise. Such measurements shall be taken in the general vicinity of the affected station's transmitter, but not so close as to experience the effects of re-radiation from the station's own tower(s).

(2) Applicants who experience nighttime interference by Cuban *skywave* signals to their Class I stations shall take measurements as prescribed in the first sentence of paragraph (e)(1) of this section, at locations within the affected portion of their primary service areas, unless only their secondary service is affected. In the latter case, the measurements shall be taken within the affected portion of their secondary service area.

(f) The monitoring of Cuban signals prescribed in this section is designed to provide evidence of the *duration* or *incidence* of interfering Cuban signals for the purposes of determining compliance with the 50% requirement in § 1.1704(b). Although the procedures under this section call for the measuring and recording the field strengths of Cuban signals within the affected station's service area, the Commission, when determining whether the minimum *level* of interference prescribed in § 1.1704(a) exists, will ordinarily base its findings solely on calculations performed in conformity with § 1.1703, without taking into account the field strengths recorded by station licensees under this section. However, in cases where the data obtained by monitoring performed by the licensee under this § 1.1705 reflect a consistently large, unexplained disparity from the level of interference calculated under § 1.1703, the Commission may either request the applicant to take further measurements or defer reaching a finding on the application until it reviews and reconsiders the data previously assembled and the calculations previously made under § 1.1703. The Commission will take such further action in each such case as it may find appropriate in the circumstances of the case.

§ 1.1706 Waivers and exceptions.

(a) The Commission recognizes that compliance with some of the requirements for compensation may be needlessly burdensome for licensees whose facilities were modified, for the purpose of mitigating the effects of Cuban interference, under Commission authorization issued before the regulations in this Subpart L were adopted. Accordingly, the Commission will, upon the request of applicants in such cases, consider waiving or adjusting the showings generally required to be made by applicants.

(b) Licensees who were authorized before April, 1984 to modify their station facilities for the explicit purpose of mitigating the effects of interference from Cuba are generally excepted from the requirements of §§ 1.1703, 1.1704, and 1.1705 relating to showings of minimum levels and duration of Cuba interference; provided that, such licensees shall submit such information relating to interference received by them as the Commission may find it appropriate to request in individual cases.

§ 1.1707 Required FCC authorization for modification of station facilities.

(a) Section 7(b) of the Radio Broadcasting to Cuba Act provides for compensation for expenses incurred "pursuant to special temporary authority from the Federal Communications Commission" in mitigating the effects of Cuban interference. This requirement will ordinarily be satisfied by the issuance by the Commission of an "STA" (special temporary authorization) for the purposes of enabling the station to restore service to areas prevented by Cuban interference from receiving interference-free primary or secondary service that the station could otherwise provide.

(b) As Congress was aware, most of the authorizations issued before the enactment of the Radio Broadcasting to Cuba Act, for the purpose of mitigating the effects of Cuban interference, were in the form of STAs. Other forms of licensing have been used in a few cases for the same explicit purpose. The substance of the statutory prerequisite to compensation referred to in paragraph (a) of this section is understood to be that the licensee have been authorized by the Federal Communications Commission to make the facilities changes in question for the purpose of mitigating the effects of Cuban interference, but not that such authorization necessarily have been issued in the explicit form of an STA. The Commission will act accordingly in determining whether applicants meet the requirements of section 7(b) of the Act.

§ 1.1708 Compensable costs.

(a) The following costs are compensable under section 7 of the Radio Broadcasting to Cuba Act:

(1) The prudently incurred cost of acquiring, installing, or constructing facilities specially authorized by the Federal Communications Commission for the purpose of mitigating the effects of interference from Cuba, less the amount of depreciation on equipment replaced by such specially authorized facilities that was reported in previously filed Federal income tax returns.

(2) Technical and engineering cost associated with the facilities changes so authorized. The costs allowable under this paragraph (a)(2) shall include costs prudently incurred in planning, designing, engineering and testing such new facilities, and in performing monitoring required by § 1.1704(b), or monitoring performed by licensees who submitted the results to the Commission in support of their applications for authorizations to change facilities to mitigate Cuban interference that were granted before March 15, 1984.

(b) The following costs are not compensable:

(1) Remuneration or expenses paid to persons, such as the station engineer, who are in the regular employ of the applicant; provided that this shall not bar compensation for out-of-pocket outlays for payments to such employees for overtime work on the tasks listed in § 1.1708(a)(2);

(2) Attorney's fees;

(3) The costs of acquiring title or leasehold interests in land; and

(4) Any part of costs incurred for the purpose of extending the interference-free service of stations beyond the area to which the existing affected station would provide interference-free service if the Cuban interference were not present.

[49 FR 12271, Mar. 29, 1984, as amended at 49 FR 34007, Aug. 28, 1984]

§ 1.1709 Requirements for filing applications for compensation.

(a) This section states the requirements for filing applications for compensation for expenses incurred in mitigating the effects of Cuban interference that are filed pursuant to this Subpart M. Applications for authorization by the Federal Communications Commission to make changes in authorized station facilities are governed by other applicable provisions of the FCC rules.

(b) Applications for compensation may be filed on or after the entry into effect of this Subpart M, by the licensees of AM broadcast stations in the United States who simultaneously file or had previously filed applications for authorization to change licensed station facilities in order to mitigate the effects of interference received from stations in Cuba. Applications shall be file with the Secretary to the Federal Communications Commission, Washington, D.C. 20554.

(c) Applications for compensation need not use any particular form, but shall contain all the information required under this Subpart M, and any supplemental information the Commission may request the applicant to file. When initially submitted, the applications need not be accompanied by the evidence of duration of interference required by §§ 1.1704(b) and 1.1705, or the proof of costs required by § 1.1709(f) that applicants file after the facilities changes have been completed.

(d) Applications for compensation, when initially filed, shall be accompanied by a statement, with supporting breakdown, of:

(1) The costs incurred, or the estimated costs expected to be incurred, for equipment and services that are compensable under § 1.1708(a); and

(2) The amount of depreciation on replaced equipment that is deductible from compensation under § 1.1708(a).

(e) The data concerning duration of interference required by §§ 1.1704(b) and 1.1705 may be submitted in a supplemental filing for association with a previously filed application for compensation when the applicant completes the prescribed monitoring. However, if the applicant does not file such data within 120 days from the date of the filing of the application for compensation, or within such extended period as the Commission may for good cause permit, the application will be returned. In such case, any priority accrued under § 1.1710 will lapse; and if the application is subsequently refiled, it will be treated as a new application under § 1.1710(c).

(f) Upon the completion of facilities changes authorized to mitigate the effects of Cuban interference, applicants for compensation shall submit to the Federal Communications Commission a detailed financial statement of the out-of-pocket expenditures made for the equipment and services whose costs are compensable under § 1.1708. The statement shall be supported by accompanying receipted bills, cancelled checks, and such additional evidence of actual and prudent outlays for such compensable kinds of services and equipment as the Commission may request in individual cases.

[49 FR 12271, Mar. 29, 1984, as amended at 49 FR 34007, Aug. 28, 1984]

§ 1.1710 Priorities.

Because it is not possible to foresee the extent to which interference by Cuban stations may be experienced, and because it is therefore uncertain whether the available funds will be sufficient to cover all the allowable compensation payments to all qualifying applicants, the following priorities are established for eligibility for compensation payments, in order to provide an equitable basis for the distribution of available funds:

(a) *First Priority.* Applicants whose authorizations of facilities changes to mitigate Cuban interference were issued by the Federal Communications Commission prior to October 4, 1983 (the date of the enactment of the Radio Broadcasting to Cuba Act) and whose applications for compensation are filed before October 1, 1984 (the date Section 7 of that Act enters into effect). Within this first priority group, priority will be accorded in the order in which such authorizations were granted.

(b) *Second Priority.* Applicants whose authorizations of facilities changes to mitigate Cuban interference were issued on or after October 4, 1983 and before the effective date of the regulations adopted in this Subpart M, and whose applications for compensation are filed no later than October 1, 1984. Within this second priority group, priority will be accorded in the order in which the applications for authorization to make such facilities changes are filed with the Federal Communications Commission.

(c) *Third Priority.* Applicants who do not come within the first or second priority groups, and applicants whose priorities as a member of the second group have lapsed under § 1.1709(e). Within this third priority group, priority will be accorded in the order of the filing or refiling of applications for compensation that contain substantially all the information.

(d) The effect of the priority sequencing of applicants established under paragraphs (a) through (c), of this section, is governed by the fact that the responsibilities for processing and evaluating applications, and for making the compensation payments, have, by statute, been divided between the FCC and the USIA. While the FCC will initially receive, process and evaluate applications for compensation, the USIA has been designated by the Act as the agency that will make the payments, and to whom appropriations for this purpose will be made. In these circumstances, the matter of priority standing of applicants for compensation will be dealt with as provided in paragraph (e) of this section.

(e) The FCC will determine the priority group in which each applicant for compensation falls and the applicant's priority within that group, and will inform USIA and the applicant of that determination. However, the FCC does not administer the compensation payments or control the funds appropriated for those payments. The authority to perform those functions having been conferred by statute upon the USIA, it is for USIA to determine the manner in which the priorities established by the FCC are applied in practice in the administration of the compensation funds entrusted to the USIA. Accordingly, such questions as whether all applicants within a particular priority group who are found by the FCC to qualify for compensation will receive such compensation fully before any applicants in a lower priority group, or whether available funds (if inadequate to cover all qualifying applicants) will be pro-rated in some fashion among members of the same priority group, or otherwise, will be for the USIA to decide, taking into account the amounts of appropriated funds and the demand for them.

§ 1.1711 Provisional and definitive findings of eligibility.

(a) As soon as practicable after the filing of applications containing all the information required under § 1.1709 (c), (d) and (e), the Commission will make a provisional findings as to whether the applicant meets the requirements of this Subpart M for compensation, and if so, in what estimated amount.

(b) When the facilities changes are completed and the documentation required by § 1.1709(f) is filed, the Commission will make a definitive finding as to the amount of compensation for which applicant meets the requirements of this Subpart M. Such amount shall not exceed the amount of compensation determined in the provisional finding adopted under paragraph (a) of this section.

(c) The findings reached under paragraphs (a) and (b) of this section will be adopted by order, which will be published and transmitted to the USIA and the applicant. Such findings do not constitute entitlement to compensation, which will depend upon the availability of appropriated funds and the satisfaction of such requirements as may be established by the United States Information Agency which, under the Act, is responsible for making the compensation payments.

§ 1.1712 Review of findings.

(a) Sections 0.61 and 0.283 of this chapter delegate to the Chief, Mass Media Bureau, the processing of applications for compensation under this Subpart M, and the adoption of orders containing provisional and definitive findings as to the amount of compensation for which applicants qualify under the Radio Broadcasting to Cuba Act and the regulations in this subpart.

(b) Sections 1.101, 1.102(b), 1.103, 1.104, 1.106, 1.108, 1.110 (except the last sentence thereof), 1.113, 1.115, and 1.117 of this chapter, which relate to reconsideration and review of actions taken by the Commission and pursuant to delegated authority, and to effective dates and finality of actions, shall apply to orders making provisional or definitive findings under § 1.1711.

(c) The Commission considers that orders adopted under § 1.1711 (a) or (b) by the Commission *en banc*, but not those adopted under delegated authority by the Chief, Mass Media Bureau, are final orders subject to judicial review under section 402(a) of the Communications Act of 1934, as amended, 47 U.S.C. 402(a).

Subpart N—Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Federal Communications Commission

AUTHORITY: 29 U.S.C. 794.

SOURCE: 52 FR 16258, May 4, 1987, unless otherwise noted.

§ 1.1801 Purpose.

The purpose of this part is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.

§ 1.1802 Applications.

This part applies to all programs or activities conducted by the Federal Communications Commission. The programs or activities of entities that are licensed or certified by the Federal Communications Commission are not covered by these regulations.

§ 1.1803 Definitions.

For purposes of this part, the term—

"Assistant Attorney General" means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

"Auxiliary aids" means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the Commission. For example, auxiliary aids useful for persons with impaired vision include readers, Brailled materials, audio recordings, and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for deaf persons (TDD's), interpreters, notetakers, written materials, and other similar services and devices.

"Commission" means Federal Communications Commission.

"Complete complaint" means a written statement that contains the complainant's name and address and describes the Commission's alleged discriminatory action in sufficient detail to inform the Commission of the nature and date of the alleged violation of section 504. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

"Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other conveyances, or other real or personal property.

"Individual with handicaps" means any individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. As used in this definition, the phrase:

(1) "Physical or mental impairment" includes—

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism.

(2) "Major life activities" includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) "Is regarded as having an impairment" means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the Commission as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by the Commission as having such an impairment.

"Qualified individual with handicaps" means—

(1) With respect to any Commission program or activity under which an individual is required to perform services or to achieve a level of accomplishment, an individual with handicaps who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the Commission can demonstrate would result in a fundamental alteration in its nature; and

(2) With respect to any other program or activity, an individual with handicaps who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity; and

(3) "Qualified handicapped person" as that term is defined for purposes of employment in 29 CFR 1613.702(f), which is made applicable to this part by § 1.1840.

"Section 504" means section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 394, 29 U.S.C. 794, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 88 Stat. 1617, and the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub. L. 95-602, 92 Stat. 2955, and the Rehabilitation Act Amendments of 1986, sec. 103(d), Pub. L. 99-506, 100 Stat. 1810. As used in this part, section 504 applies only to programs or activities conducted by Executive agencies and not to federally assisted programs.

§§ 1.1804—1.1809 [Reserved]

§ 1.1810 Self-evaluation.

(a) The Commission shall, within one year of the effective date of this part, evaluate its current policies and practices, and the effects thereof, that do not or may not meet the requirements of this part, and, to the extent modification of any such policies and practices is required, the Commission shall proceed to make the necessary modifications.

(b) The Commission shall provide an opportunity to interested persons, including individuals with handicaps or organizations representing individuals with handicaps, to participate in the self-evaluation process by submitting comments (both oral and written).

(c) The Commission shall, until three years following completion of the self-evaluation, maintain on file and make available for public inspection—

(1) A description of areas examined and any problems identified; and

(2) A description of any modifications made.

§ 1.1811 Notice.

The Commission shall make available to employees, applicants, participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the programs or activities conducted by the Commission, and make such information available to them in such manner as the Managing Director finds necessary to apprise such persons of the protections against discrimination assured them by section 504 and these regulations.

§§ 1.1812—1.1829 [Reserved]

§ 1.1830 General prohibitions against discrimination.

(a) No qualified individual with handicaps shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the Commission.

(b)(1) The Commission, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap—

(i) Deny a qualified individual with handicaps the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with handicaps an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with handicaps with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to individuals with handicaps or to any class of individuals with handicaps than is provided to others unless such action is necessary to provide qualified individuals with handicaps with aid, benefits, or services that are as effective as those provided to others;

(v) Deny a qualified individual with handicaps the opportunity to participate as a member of planning or advisory boards; or

(vi) Otherwise limit a qualified individual with handicaps in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) The Commission may not deny a qualified individual with handicaps the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) The Commission may not, directly or through contractual or other arrangements, utilize criteria or methods of administration the purpose or effect of which would—

(i) Subject qualified individuals with handicaps to discrimination on the basis of handicap; or

(ii) Defeat or substantially impair accomplishment of the objectives of a program or activity with respect to individuals with handicaps.

(4) The Commission may not, in determining the site or location of a facility, make selections the purpose or effect of which would—

(i) Exclude individuals with handicaps from, deny them the benefits of, or otherwise subject them to discrimination under any program or activity conducted by the Commission; or

(ii) Defeat or substantially impair the accomplishment of the objectives of a program or activity with respect to individuals with handicaps.

(5) The Commission, in the selection of procurement contractors, may not use criteria that subject qualified individuals with handicaps to discrimination on the basis of handicap.

(6) The Commission may not administer a licensing or certification program in a manner that subjects qualified individuals with handicaps to discrimination on the basis of handicap, nor may the Commission establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with handicaps to discrimination on the basis of handicap. However, the programs or activities of entities that are licensed or certified by the Commission are not, themselves, covered by this part.

(c) The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or Executive order to individuals with handicaps or the exclusion of a specific class of individuals with handicaps from a program limited by Federal statute or Executive order to a different class of individuals with handicaps is not prohibited by this part.

(d) The Commission shall administer programs and activities in the most integrated setting appropriate to the needs of qualified individuals with handicaps.

§§ 1.1831—1.1839 [Reserved]

§ 1.1840 Employment.

No qualified individual with handicaps shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity conducted by the Commission. The definitions, requirements and procedures of section 501 of the Rehabilitation Act of 1973, 29 U.S.C. 791, as established by the Equal Employment Opportunity Commission in 29 CFR Part 1613, as well as the procedures set forth in the Basic Negotiations Agreement Between the Federal Communications Commission and National Treasury Employees Union (effective June 22, 1982) and Subchapter III of the Civil Service Reform Act of 1978, 5 U.S.C. 7121(d), shall apply to employment in federally conducted programs or activities.

§§ 1.1841—1.1848 [Reserved]

§ 1.1849 Program accessibility: Discrimination prohibited.

Except as otherwise provided in § 1.1850, no qualified individual with handicaps shall, because the Commission's facilities are inaccessible to or unusable by individuals with handicaps, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by the Commission.

§ 1.1850 Program accessibility: Existing facilities.

(a) *General.* The Commission shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with handicaps. This paragraph does not—

(1) Necessarily require the Commission to make each of its existing facilities accessible to and usable by individuals with handicaps;

(2) Require the Commission to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where Commission personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the Commission has the burden of proving that compliance with § 1.1850(a) would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the Managing Director after considering all Commission resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, the Commission shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with handicaps receive the benefits and services of the program or activity.

(b) *Methods.* The Commission may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock, or any other methods that result in making its programs or activities readily accessible to and usable by individuals with handicaps. The Commission is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. The Commission, in making alterations to existing buildings, shall meet accessibility requirements to the extent compelled by the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151—4157), and any regulations implementing it. In choosing among available methods for meeting the requirements of this section, the Commission shall give priority to those methods that offer programs and activities to qualified individuals with handicaps in the most integrated setting appropriate.

(c) *Time period for compliance.* The Commission shall comply with the obligations established under this section within sixty (60) days of the effective date of this part except that where structural changes in facilities are undertaken, such changes shall be made within three (3) years of the effective date of this part, but in any event as expeditiously as possible.

(d) *Transition plan.* In the event that structural changes to facilities will be undertaken to achieve program accessibility, the Commission shall develop, within six (6) months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The Commission shall provide an opportunity to interested persons, including individuals with handicaps or organizations representing individuals with handicaps, to participate in the development of the transition plan by submitting comments (both oral and written). A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum—

(1) Identify physical obstacles in the Commission's facilities that limit the accessibility of its programs or activities to individuals with handicaps;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one (1) year, identify steps that will be taken during each year of the transition period;

(4) Indicate the official responsible for implementation of the plan.

§ 1.1851 Program accessibility: New construction and alterations.

Each building or part of a building that is constructed or altered by, on behalf of, or for the use of the Commission shall be designed, constructed, or altered so as to be readily accessible to and usable by individuals with handicaps. The definitions, requirements and standards of the Architectural Barriers Act, 42 U.S.C. 4151—4157, as established in 41 CFR 101-19.600 to 101-19.607, apply to buildings covered by this section.

§§ 1.1852—1.1859 [Reserved]

§ 1.1860 Communications.

(a) The Commission shall take appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public.

(1) The Commission shall furnish appropriate auxiliary aids where necessary to afford an individual with handicaps an equal opportunity to participate in, and enjoy the benefits of, a program or activity conducted by the Commission.

(i) In determining what type of auxiliary aid is necessary, the Commission shall give primary consideration to the requests of the individual with handicaps.

(ii) The Commission need not provide individually prescribed devices, readers for personal use or study, or other devices, of a personal nature.

(2) Where the Commission communicates with applicants and beneficiaries by telephone, telecommunications devices for deaf persons (TDD's) or equally effective telecommunications systems shall be used.

(b) The Commission shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(c) The Commission shall provide signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each primary entrance of an accessible facility.

(d) This section does not require the Commission to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where Commission personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the Commission has the burden of proving that compliance with § 1.1860 would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the Managing Director after considering all Commission resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or such burdens, the Commission shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with handicaps receive the benefits and services of the program or activity.

§§ 1.1861—1.1869 [Reserved]

§ 1.1870 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in programs or activities conducted by the Commission.

(b) The Commission shall process complaints alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR Part 1613 pursuant to section 501 of the Rehabilitation Act of 1973, 29 U.S.C. 791.

(c) The Managing Director shall be responsible for coordinating implementation of this section. Complaints may be sent to the Handicapped Coordinator, Office of Managing Director, Federal Communications Commission, 1919 M Street NW., Room 852, Washington, DC 20554.

(d) *Acceptance of complaint.* (1) The Commission shall accept and investigate all complete complaints for which it has jurisdiction. All complete complaints must be filed within one-hundred eighty (180) days of the alleged act of discrimination. The Commission may extend this time period for good cause.

(2) If the Commission receives a complaint that is not complete, the complainant will be notified within thirty (30) days of receipt of the incomplete complaint that additional information is needed. If the complainant fails to complete the complaint within thirty (30) days of receipt of this notice, the Commission shall dismiss the complaint without prejudice.

(e) If the Commission receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate government entity.

(f) The Commission shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended, 42 U.S.C. 4151—4157, is not readily accessible to and usable by individuals with handicaps.

(g) Within one-hundred eighty (180) days of the receipt of a complete complaint for which it has jurisdiction, the Commission shall notify the complainant of the results of the investigation in a letter containing—

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and

(3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within ninety (90) days of receipt from the Commission of the letter required by § 1.1870(g). The Commission may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the Office of the Secretary, Federal Communications Commission, 1919 M Street NW., Room 202, Washington, DC 20554.

(j) The Commission shall notify the complainant of the results of the appeal within sixty (60) days of the receipt of the request. If the Commission determines that it needs additional information from the complainant, it shall have sixty (60) days from the date it receives the additional information to make its determination on the appeal.

(k) The time limits cited in paragraphs (g) and (j) of this section may be extended with the permission of the Assistant Attorney General.

(l) The Commission may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated to another agency.

§§ 1.1871—1.1899 [Reserved]

Subpart O—Collection of Claims Owed the United States

AUTHORITY: 31 U.S.C. 3701; 31 U.S.C. 3711 *et seq.*; 5 U.S.C. 5514; 4 CFR Parts 101-105; 5 CFR Part 550.

SOURCE: 54 FR 403, Jan. 6, 1989, unless otherwise noted.

GENERAL PROVISIONS

§ 1.1901 Definitions.

(a) The term "administrative offset" means withholding money payable by the United States Government to, or held by the Government for, a person to satisfy a debt the person owes the Government.

(b) The term "agency" means the Federal Communications Commission (Commission) or any other agency of the U.S. Government as defined by section 105 of title 5 U.S.C., the U.S. Postal Service, the U.S. Postal Rate Commission, a military department as defined by section 102 of title 5 U.S.C., an agency or court of the judicial branch, or and an agency of the legislative branch, including the U.S. Senate and the U.S. House of Representatives.

(c) The term "agency head" means the Chairman of the Federal Communications Commission.

(d) The terms "appropriate agency official" or "designee" means the Managing Director of the Commission or such other official as may be named by the Managing Director.

(e) The terms "claim" and "debt" are deemed synonymous and interchangeable. They refer to an amount of money or property which has been determined by an appropriate agency official to be owed to the United States from any person, organization, or entity, except another federal agency. They include amounts owing to the United States on account of loans insured or guaranteed by the United States and all other amounts due the United States from fees, leases, rents, royalties, services, sales of real or personal property, overpayments, fines, penalties, damages, interest, taxes, and forfeitures (except those arising under the Uniform Code of Military Justice), and other similar sources.

(f) The term "creditor agency" means the agency to which the debt is owed.

(g) The term "delinquent" means a claim or debt which has not been paid by the date specified in the agency's written notification or applicable contractual agreement, unless other satisfactory payment arrangements have been made by that date, or, at any time thereafter, the debtor has failed to satisfy an obligation under a payment agreement with the agency.

(h) The term "disposable pay" means that part of current basic pay, special pay, incentive pay, retired pay, retainer pay, or in the case of an employee not entitled to basic pay, other authorized pay remaining after the deduction of any amount required by law to be withheld. Agencies must exclude deductions described in 5 CFR 581.105 (b) through (f) to determine disposable pay subject to salary offset.

(i) The term "employee" means a current employee of the Commission or of another agency, including a current member of the Armed Forces or a Reserve of the Armed Forces (Reserve).

(j) The term "FCCS" means the Federal Claims Collection Standards jointly published by the Justice Department and the General Accounting Office at 4 CFR Parts 101-105.

(k) The term "paying agency" means the agency employing the individual and authorizing the payment of his or her current pay.

(l) The term "referral for litigation" means referral to the Department of Justice for appropriate legal proceedings except where the Commission has the statutory authority to handle the litigation itself.

(m) The term "salary offset" means an administrative offset to collect a debt under 5 U.S.C. 5514 by deduction(s) at one or more officially established pay intervals from the current pay account of an employee without his or her consent.

(n) The term "waiver" means the cancellation, remission, forgiveness, or non-recovery of a debt allegedly owed by an employee to an agency as permitted or required by 5 U.S.C. 5584, 10 U.S.C. 2774, or 32 U.S.C 710, 5 U.S.C. 8346(b), or any other law.

§ 1.1902 Exceptions.

(a) Claims arising from the audit of transportation accounts pursuant to 31 U.S.C. 3726 shall be determined, collected, compromised, terminated or settled in accordance with regulations published under the authority of 31 U.S.C. 3726 (see 41 CFR Part 101-41).

(b) Claims arising out of acquisition contracts subject to the Federal Acquisition Regulations (FAR) shall be determined, collected, compromised, terminated, or settled in accordance with those regulations. (See 48 CFR Part 32). If not otherwise provided for in the FAR system, contract claims that have been the subject of a contracting officer's final decision in accordance with section 6(a) of the Contract Disputes Act of 1978 (41 U.S.C. 605(a)), may be determined, collected, compromised, terminated or settled under the provisions of this regulation, except that no additional review of the debt shall be granted beyond that provided by the contracting officer in accordance with the provisions of section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605), and the amount of any interest, administrative charge, or penalty charge shall be subject to the limitations, if any, contained in the contract out of which the claim arose.

(c) Claims based in whole or in part on conduct in violation of the antitrust laws, or in regard to which there is an indication of fraud, the presentation of a false claim, or a misrepresentation on the part of the debtor or any other party having an interest in the claim, shall be referred to the Department of Justice (DOJ) as only the DOJ has authority to compromise, suspend, or terminate collection action on such claims.

(d) Tax claims are also excluded from the coverage of this regulation.

§ 1.1903 Use of procedures.

Procedures authorized by this regulation (including, but not limited to, disclosure to a consumer reporting agency, contracting for collection services, administrative offset and salary offset) may be used singly or in combination, so long as the requirements of applicable law and regulation are satisfied.

§ 1.1904 Conformance to law and regulations.

The requirements of applicable law (31 U.S.C. 3701-3719, as amended by Pub. L. 97-365, 96 Stat. 1749) have been implemented in government wide standards:

(a) The Regulations of the Office of Personnel Management (5 CFR Part 550) and

(b) The Federal Claims Collection Standards issued jointly by the General Accounting Office and the Department of Justice (4 CFR Parts 101-105). Not every item in the above described standards has been incorporated or referenced in this regulation. To the extent, however, that circumstances arise which are not covered by the terms stated in these regulations, the Commission will proceed in any actions taken in accordance with applicable requirements found in the standards referred to in this section.

§ 1.1905 Other procedures: collection of forfeiture penalties.

Nothing contained in these regulations is intended to require the Commission to duplicate administrative or other proceedings required by contract or other laws or regulations, nor do these regulations supercede procedures required by other statutes or regulations. In particular, the assessment and collection of monetary forfeiture penalties imposed by the Commission will be governed initially by the procedures prescribed by 47 U.S.C. 503, 504 and 47 CFR 1.80. After compliance with those procedures, the Commission may determine that the collection of a monetary forfeiture under the collection alternatives prescribed by this subpart is appropriate but need not duplicate administrative or other proceedings.

§ 1.1906 Informal action.

Nothing contained in these regulations is intended to preclude utilization of informal administrative actions or remedies which may be available.

§ 1.1907 Return of property.

Nothing contained in this regulation is intended to deter the Commission from demanding the return of specific property or from demanding, in the alternative, either the return of property or the payment of its value.

§ 1.1908 Omissions not a defense.

The failure of the Commission to comply with any provision in this regulation shall not serve as a defense to the debt.

ADMINISTRATIVE OFFSET—CONSUMER REPORTING AGENCIES—CONTRACTING FOR COLLECTION

§ 1.1911 Demand for payment.

(a) Written demands for payment shall be made promptly upon a debtor in terms which inform the debtor of the consequences of failure to cooperate. A total of three progressively stronger written demands at not more than 30-day intervals will normally be made unless a response to the first or second demand indicates that a further demand would be futile and the debtor's response does not not require rebuttal. In determining the timing of demand letters, the Commission will give due regard to the need to act promptly so that, as a general rule, if it becomes necessary to refer the debt to the Department of Justice for litigation, such referral can be made within one year of the agency's final determination of the fact and the amount of the debt. When necessary to protect the Government's interest (for example, to prevent the statute of limitations, 28 U.S.C. 2415, from expiring), written demand may be preceded by other appropriate actions under this chapter, including immediate referral for litigation.

(b) The initial demand letter will inform the debtor of:

(1) The basis for the indebtedness and the right of the debtor to request review within the agency;

(2) The applicable standards for assessing interest, penalties, and administrative costs (§§ 1.1940 and 1.1941 of this subpart) and;

(3) The date by which payment is to be made, which normally should not be more than 30 days from the date that the initial demand letter was mailed or hand-delivered.

(c) As appropriate to the circumstances, the Commission may include either in the initial demand letter or in subsequent letters, matters relating to alternative methods of payment, policies with respect to use of consumer reporting agencies and collection services, the agency's intentions with respect to referral of the debt to the Department of Justice for litigation, and, depending on applicable statutory authority, the debtor's entitlement to consideration of waiver.

(d) The Commission will respond promptly to communications from the debtor, within 30 days whenever feasible, and will advise debtors who dispute the debt that they must furnish available evidence to support their contentions.

(e) If, either prior to the initiation of, at any time during, or after completion of the demand cycle, the Commission determines to pursue administrative offset, then the procedures specified in §§ 1.1912 and 1.1913 as applicable, will be followed. The availability of funds for offset and the agency's determination to pursue that remedy, release the agency from the necessity of further compliance with paragraphs (a), (b) and (c) of this section. If the agency has not already sent the first demand letter, the agency's written notification of its intent to offset must give the debtor the opportunity to make voluntary payment, a requirement which will be satisfied by compliance with the notice requirements of §§ 1.1912 and 1.1913 as applicable.

§ 1.1912 Collection by administrative offset.

(a) Collection by administrative offset will be undertaken in accordance with these regulations on all claims which are liquidated or certain in amount, in every instance in which such collection is determined to be feasible and not otherwise prohibited.

(1) Whether collection by administrative offset is feasible is a determination to be made by the agency on a case-by-case basis, in the exercise of sound discretion. The Commission will consider not only whether administrative offset can be accomplished practically, but also whether offset is best suited to further and protect all of the Government's interest. In appropriate circumstances, the Commission may give due consideration to the debtor's financial condition and is not required to use offset in every instance in which there is an available source of funds. The Commission may also consider whether offset would tend to substantially interfere with or defeat the purposes of the program authorizing the payments against which offset is contemplated. For example, under a grant program in which payments are made in advance of the grantee's performance, offset will normally be inappropriate. This concept generally does not apply, however, where payment is in the form of reimbursement.

(b) Before the offset is made, a debtor shall be provided with the following: Written notice of the nature and amount of the debt, and the agency's intention to collect by offset; opportunity to inspect and copy agency records pertaining to the debt; opportunity to obtain review within the agency of the determination of indebtedness; and opportunity to enter into a written agreement with the agency to repay the debt.

(1) The Commission will exercise sound judgment in determining whether to accept a repayment agreement in lieu of offset. The determination will weigh the Government's interest in collecting the debt against fairness to the debtor. If the debt is delinquent and the debtor has not disputed its existence or amount, the Commission will normally accept a repayment agreeement in lieu of offset only if the debtor is able to establish that offset would result in undue financial hardship or would be against equity and good conscience.

(2) In cases where the procedural requirements specified in paragraph (b) of this section have previously been provided to the debtor in connection with the same debt under some other statutory or regulatory authority, such as pursuant to a notice of audit disallowance or pursuant to 47 U.S.C. 503, 504 and 47 CFR 1.80, the agency is not required to duplicate those requirements before taking administrative offset.

(3) The Commission may not initiate administrative offset to collect a debt under 31 U.S.C. 3716 more than 10 years after the Government's right to collect the debt first accrued, unless facts material to the Government's right to collect the debt were not known and could not reasonably have been known by the official or officials of the Government who were charged with the responsibility to discover and collect such debts. When the debt first accrued is to be determined according to existing law regarding the accrual of debts, such as under 28 U.S.C. 2415.

(4) The Commission is not authorized by 31 U.S.C. 3716 to use administrative offset with respect to:

(i) Debts owed by any State or local Government;

(ii) Debts arising under or payments made under the Social Security Act, the Internal Revenue Code of 1954, or the tariff laws of the United States; or

(iii) Any case in which collection of the claim or type of claim by administrative offset is explicitly provided for or prohibited by another statute.

(5) The Commission may effect administrative offset against a payment to be made to a debtor prior to completion of the procedures required by paragraph (b) of this section if:

(i) Failure to take the offset would substantially prejudice the Government's ability to collect the debt, and

(ii) The time before the payment is to be made does not reasonably permit the completion of those procedures.

Such prior offset must be promptly followed by the completion of those procedures. Amounts recovered by offset but later found not to be owed to the Government shall be promptly refunded.

(6) The Commission will obtain credit reports on delinquent accounts to identify opportunities for administrative offset of amounts due to a delinquent debtor when other collection techniques have been unsuccessful.

(c) Type of hearing or review. (1) For purposes of this section, whenever the Commission is required to provide a hearing or review within the agency, it shall provide the debtor with a reasonable opportunity for an oral hearing when:

(i) Any applicable statute authorizes or requires the agency to consider waiver of the indebtedness involved, the debtor requests waiver of the indebtedness, and the waiver determination turns on an issue of credibility or veracity; or

(ii) The debtor requests reconsideration of the debt and the agency determines that the question of the indebtedness cannot be resolved by review of the documentary evidence; for example, when the validity of the debt turns on an issue of credibility or veracity.

Unless otherwise required by law, an oral hearing under this section is not required to be a formal evidentiary-type hearing, although the Commission will carefully document all significant matters discussed at the hearing.

(2) The section does not require an oral hearing with respect to debt collection systems in which determinations of indebtedness or waiver rarely involve issues of credibility or veracity and the agency has determined that review of the written record is ordinarily an adequate means to correct prior mistakes. In administering such a system, the agency is not required to sift through all of the requests received in order to accord oral hearings in those few cases which may involve issues of credibility or veracity.

(3) In those cases where an oral hearing is not required by this section, the agency will make its determination on the request for waiver or reconsideration based upon a "paper hearing," that is, a review of the written record.

(d) Appropriate use will be made of the cooperative efforts of other agencies in affecting collection by administrative offset. Generally, the Commission will not refuse to comply with requests from other agencies to initiate administrative offset to collect debts owed to the United States unless the requesting agency has not complied with the applicable provisions of these standards or the offset otherwise contrary to law.

(e) Collection by offset against a judgment obtained by a debtor against the United States shall be accomplished in accordance with 31 U.S.C. 3728.

(f) Whenever the creditor agency is not the agency which is responsible for making the payment against which administrative offset is sought, the latter agency shall not initiate the requested offset until it has been provided by the creditor agency with an appropriate written certification that the debtor owes a debt (including the amount) and full compliance with the provisions of this section has taken place.

(g) When collecting multiple debts by administrative offset, the Commission will apply the recovered amounts to those debts in accordance with the best interest of the United States, as determined by the facts and circumstances of the particular case, paying special attention to applicable statutes of limitation.

§ 1.1913 Administrative offset against amounts payable from Civil Service Retirement and Disability Fund.

(a) Unless otherwise prohibited by law, the Commission may request that moneys which are due and payable to a debtor from the Civil Service Retirement and Disability Fund be administratively offset in reasonable amounts in order to collect in one full payment, or a minimal number of payments, debts owned to the United States by the debtor. Such requests shall be made to the appropriate officials of the Office of Personnel Management in accordance with such regulations as may be prescribed by the Director of that Office.

(b) When making a request for administrative offset under paragraph

(a) of this section, the Commission shall include written certification that:

(1) The debtor owes the United States a debt, including the amount of the debt;

(2) The Commission has complied with the applicable statutes, regulations and procedures of the Office of Personnel Management; and

(3) The Commission has complied with the requirements of § 1.1912 of this subpart, including any required hearing or review.

(c) Once the Commission decides to request administrative offset under paragraph (a) of this section, it will make the request as soon as practical after completion of the applicable procedures in order that the Office of Personnel Management may identify and "flag" the debtor's account in anticipation of the time when the debtor requests or becomes eligible to receive payments from the Fund. This will satisfy any requirement that offset be initiated prior to expiration of the applicable statute of limitations. At such time as the debtor makes a claim for payments from the Fund, if at least a year has elapsed since the offset request was originally made, the debtor should be permitted to offer a satisfactory payment plan in lieu of offset upon establishing that changed financial circumstances would render the offset unjust.

(d) If the Commission collects part or all of the debt by other means before deductions are made or completed pursuant to paragraph (a) of this section, it shall act promptly to modify or terminate its request for offset under paragraph (a) of this section.

(e) This section does not require or authorize the Office of Personnel Management to review the merits of the Commission's determination with respect to the amount and validity of the debt, its determination as to waiver under an applicable statute, or its determination to provide or not provide an oral hearing.

§ 1.1914 Collection in installments.

(a) Whenever feasible, and except as otherwise provided by law, debts owed to the United States, together with interest, penalties, and administrative costs as required by this subpart should be collected in full in one lump sum. This is true whether the debt is being collected by administrative offset or by another method, including voluntary payment. However, if the debtor is financially unable to pay the indebtedness in one lump sum, payment may be accepted in regular installments. The Commission will obtain financial statements from debtors who represent that they are unable to pay the debt in one lump sum. If the Commission agrees to accept payment in regular installments, it will obtain a legally enforceable written agreement from the debtor which specifies all of the terms of the agreement and which contains a provision accelerating the debt in the event the debtor defaults. The size and frequency of installment payments should bear a reasonable relation to the size of the debtor and debtor's ability to pay. If possible, the installment payments should be of sufficient size and frequency to liquidate the Government's claim in not more than 3 years. Installment payments of less than $50 per month will be accepted only if justifiable on the grounds of financial hardship or for some other reasonable cause.

(b) If the debtor owes more than one debt and designates how a voluntary installment is to be applied among those debts, that designation must be followed. If the debtor does not designate the application of the payment, the Commission will apply payments to various debts in accordance with the best interests of the United States, as determined by the facts and circumstances of the particular case, paying special attention to applicable statutes of limitations.

§ 1.1915 Exploration of compromise.

The Commission may attempt to effect compromise, preferably during the course of personal interviews, in accordance with the standards set forth in Part 103 of the Federal Claims Collection Standards (4 CFR Part 103).

§ 1.1916 Suspending or terminating collection action.

The suspension or termination of collection action shall be made in accordance with the standards set forth in Part 104 of the Federal Claims Collection Standards (4 CFR Part 104).

§ 1.1917 Referrals to the Department of Justice or the General Accounting Office.

Referrals to the Department of Justice or the General Accounting Office shall be made in accordance with the standards set forth in Part 105 of the Federal Claims Collection Standards (4 CFR Part 105).

§ 1.1918 Use of consumer reporting agencies.

(a) The term "individual" means a natural person, and the term "consumer reporting agency" has the meaning provided in the Federal Claims Collection Act, as amended, at 31 U.S.C. 3701(a)(3) or the Fair Credit Reporting Act, at 15 U.S.C. 168a(f).

(b) The Commission may disclose to a consumer reporting agency, from a system of records, information that an individual is responsible for a claim if—

(1) Notice required by section 5 U.S.C. 552a(e)(4) indicates that information in the system may be disclosed to a consumer reporting agency;

(2) The claim has been reviewed and it is decided that the claim is valid and overdue;

(3) The Commission has notified the individual in writing—

(i) That payment of the claim is overdue;

(ii) That, within not less than 60 days after sending the notice, the Commission intends to disclose to a consumer reporting agency that the individual is responsible for that claim;

(iii) Of the specific information to be disclosed to the consumer reporting agency; and

(iv) Of the rights the individual has to a complete explanation of the claim, to dispute information in the records of the agency about the claim, and to adminstrative appeal or review of the claim; and

(4) The individual has not—

(i) Repaid or agreed to repay the claim under a written repayment plan that the individual has signed and the agency has agreed to; or

(ii) Filed for review of the claim under paragraph (g) of this section;

(c) The Commission shall—

(1) Disclose promptly, to each consumer reporting agency to which the original disclosure was made, a substantial change in the condition or amount of the claim;

(2) Verify or correct promptly information about the claim, on request of a consumer reporting agency for verification of any or all information so disclosed; and

(3) Obtain satisfactory assurances from each consumer reporting agency that they are complying with all laws of the United States relating to providing consumer credit information.

(d) The Commission shall ensure that information disclosed to the consumer reporting agency is limited to—

(1) Information necessary to establish the identity of the individual, including name, address, and taxpayer identification number;

(2) The amount, status, and history of the claim; and

(3) The agency or program under which the claim arose.

(e) All accounts in excess of $100 that have been delinquent more than 31 days will normally be referred to a consumer reporting agency.

(f) Before disclosing information to a consumer reporting agency, the Commission shall take reasonable action to locate an individual for whom the head of the agency does not have a current address to send the notice.

(g) Before disclosing information to a consumer reporting agency, the Commission shall provide, on request of an individual alleged by the agency to be responsible for the claim, for a review of the obligation of the individual, including an opportunity for reconsideration of the initial decision on the claim.

(h) Under the same provisions as described above, the Commission may disclose to a credit reporting agency, information relating to a debtor other than a natural person. Such commercial debt accounts are not covered by the Privacy Act.

§ 1.1919 Contracting for collection services.

(a) The Commission has authority to contract for collection services to recover delinquent debts, provided that the following conditions are satisfied:

(1) The authority to resolve disputes, compromise claims, suspend or terminate collection action, and refer the matter for litigation is retained by the agency;

(2) The contractor shall be subject to the Privacy Act of 1974, as amended, to the extent specified in 5 U.S.C. 552a(m), and to applicable Federal and State laws and regulations pertaining to debt collection practices, such as the Fair Debt Collection Practices Act, 15 U.S.C. 1692;

(3) The contractor must be required to account strictly for all amounts collected;

(4) The contractor must agree that uncollectible accounts shall be returned with appropriate documentation to enable the Commission to determine whether to pursue collection through litigation or to terminate collection efforts; and

(5) The contractor must agree to provide any data contained in its files relating to paragraphs (a) (1), (2), and (3) of § 105.2 of the Federal Claims Collection Standards (4 CFR Part 105) upon returning an account to the Commission for subsequent referral to the Department of Justice for litigation.

(b) Funding of collection service contracts. (1) The Commission may fund a collection service contract on a fixed-fee basis, that is, payment of a fixed fee determined without regard to the amount actually collected under the contract. Payment of the fee under this type of contract must be charged to available agency appropriations.

(2) The Commission may also fund a collection service contract on a contingent-fee basis, that is, by including a provision in the contract permitting the contractor to deduct its fee from amounts collected under the contract. The fee should be based on a percentage of the amount collected, consistent with prevailing commercial practice.

(3) The Commission may enter into a contract under paragraph (b)(1) of this section only if and to the extent provided in advance appropriation acts or other legislation, except that this requirement does not apply to the use of a revolving fund authorized by statute.

(4) Except as authorized under paragraph (b)(2) of this section, or unless the receipt qualifies as a refund to the appropriation, or unless otherwise specifically provided by law, the Commission must deposit all amounts recovered under collection service contracts (or by agency employees on behalf of the agency) in the Treasury as miscellaneous receipts pursuant to 31 U.S.C. 3302.

(c) The Commission will consider the use of collection agencies at any time after the account is 61 days past due. In any case where an account is six months or more past due, the Commission may turn it over to a collection agency unless referred for litigation or unless arrangements have been made for a workout procedure or the Commission has exercised its authority to write off the debt pursuant to § 1.1916.

(d) The Commission will generally not use a collection agency to collect a delinquent debt owed by a currently employed or retired Federal employee, if collection by salary or annuity offset is available.

SALARY OFFSET

§ 1.1925 Purpose.

This section provides the standards to be followed by FCC in implementing 5 U.S.C. 5514 to recover a debt from the pay account of an FCC employee, and establishes procedural guidelines to recover debts when the employee's creditor and paying agencies are not the same.

§ 1.1926 Scope.

(a) *Coverage.* This section applies to agencies and employees as defined by § 1.1901.

(b) *Applicability.* This section and 5 U.S.C. 5514 apply in recovering certain debts by offset, except where the employee consents to the recovery, from the current pay account of that employee. Because it is an administrative offset, debt collection procedures for salary offset which are not specified in 5 U.S.C. 5514 and these regulations should be consistent with the provisions of the Federal Claims Collection Standards (4 CFR Parts 101-105).

(1) Excluded debts or claims. The procedures contained in this section do not apply to debts or claims arising under the Internal Revenue Code of 1954, as amended (26 U.S.C. 1 *et seq.*), the Social Security Act (42 U.S.C. 301 *et seq.*) or the tariff laws of the United States, or to any case where collection of a debt by salary offset is explicitly provided for or prohibited by another statute (*e.g.* travel advances in 5 U.S.C. 5705 and employee training expenses in 5 U.S.C. 4108).

(2) Waiver requests and claims to the General Accounting Office. This section does not preclude an employee from requesting waiver of a salary overpayment under 5 U.S.C. 5584, 10 U.S.C. 2774, or 32 U.S.C. 716, or in any way questioning the amount or validity of a debt by submitting a subsequent claim to the General Accounting Office in accordance with procedures prescribed by the General Accounting Office. Similarly, in the case of other types of debts, it does not preclude an employee from requesting waiver, if waiver is available under any statutory provision pertaining to the particular debt being collected.

(c) *Time Limit.* Under 4 CFR 102.3(b)(3) offset may not be initiated more than 10 years after the Government's right to collect the debt first accrued, unless an exception applies as stated in § 102.3(b)(3).

§ 1.1927 Notification.

(a) Salary offset deductions shall not be made unless the Managing Director of the Commission, or such other official as may be named in the future by the Managing Director of the Commission, provides the employee at least 30 days before any deduction written notice stating at a minimum:

(1) The agency's determination that a debt is owed, including the origin, nature, and amount of the debt;

(2) The agency's intention to collect the debt by means of deduction from the employee's current disposable pay account;

(3) The amount, frequency, proposed beginning date, and duration of the intended deductions;

(4) An explanation of the agency's policy concerning interest, penalties, and administrative costs (§§ 1.1940 and 1.1941 of this regulation), a statement that such assessments must be made unless excused in accordance with the FCCS;

(5) The employee' right to inspect and copy Government records relating to the debt or, if the employee or his or her representative cannot personally inspect the records, to request and receive a copy of such records.

(6) If not previously provided, the opportunity (under terms agreeable to the agency) to establish a schedule for the voluntary repayment of the debt or to enter into a written agreement to establish a schedule for repayment of the debt in lieu of offset. The agreement must be in writing, signed by both the employee and the Managing Director (or designee) of the Commission and documented in agency files (4 CFR 102.2(e)).

(7) The employee's right to a hearing conducted by an official arranged by the agency (an administrative law judge, or alternatively, a hearing official not under the control of the head of the agency) if a petition is filed as prescribed by this subpart.

(8) The method and time period for petitioning for a hearing;

(9) That the timely filing of a petition for hearing will stay the commencement of collection proceedings;

(10) That the final decision in the hearing (if one is requested) will be issued at the earliest practical date, but not later than 60 days after the filing of the petition requesting the hearing unless the employee requests and the hearing official grants a delay in the proceedings;

(11) That any knowingly false, misleading, or frivolous statements, representations, or evidence may subject the employee to:

(i) Disciplinary procedures appropriate under Chapter 75 of Title 5, United States Code, Part 752 of Title 5, Code of Federal Regulations, or any other applicable statutes or regulations.

(ii) Penalties under the False Claims Act sections 3729-3731 of Title 31, United States Code, or any other applicable statutory authority; or

(iii) Criminal penalties under sections 286, 287, 1001, and 1002 of Title 18, United States Code, or any other applicable statutory authority.

(12) Any other rights and remedies available to the employee under statutes or regulations governing the program for which the collection is being made; and

(13) Unless there are applicable contractual or statutory provisions to the contrary, that amounts paid on or deducted for the debt which are later waived or found not owed to the United States will be promptly refunded to the employee.

(b) Notifications under this section shall be hand delivered with a record made of the date of delivery, or shall be mailed by certified mail return receipt requested.

(c) No notification, hearing, written responses or final decisions under this regulation are required by the Commission for any adjustment to pay arising out of an employee's election of coverage, or change in coverage, under a Federal benefit program requiring periodic deductions from pay, if the amount to be recovered was accumulated over four pay periods or less.

§ 1.1928 Hearing.

(a) *Petition for Hearing.* (1) A hearing may be requested by filing a written petition with the Managing Director of the Commission, or such other official as may be named by the Managing Director of the Commission, stating why the employee believes the determination of the agency concerning the existence or the amount of the debt is in error.

(2) The employee's petition must be signed by the employee and fully identify and explain with reasonable specificity all the facts, evidence and witnesses, if any, which the employee believes support his or her position.

(3) The petition must be filed no later than fifteen (15) calendar days from the date that the notification was hand delivered or the date of delivery by certified mail, return receipt requested.

(4) If a petition is received after the fifteenth (15) calendar day deadline referred to above, the Commission will nevertheless accept the petition if the employee can show that the delay was due to circumstances beyond his or her control, or because of failure to receive notice of the time limit (unless otherwise aware of it).

(5) If a petition is not filed within the time limit specified in paragraph (3) above, and is not accepted pursuant to paragraph (a)(4) of this section, the employee's right to hearing will be considered waived, and salary offset will be implemented by the Commission.

(b) *Type of Hearing.* (1) The form and content of the hearing will be determined by the hearing official who shall be a person outside the control or authority of the Commission except that nothing herein shall be construed to prohibit the appointment of an administrative law judge by the Commission. In determining the type of hearing, the hearing officer will consider the nature and complexity of the transaction giving rise to the debt. The hearing may be conducted as an informal conference or interview, in which the agency and employee will be given a full opportunity to present their respective positions, or as a more formal proceeding involving the presentation of evidence, arguments and written submissions.

(2) The employee may represent himself or herself, or may be represented by an attorney.

(3) The hearing official shall maintain a summary record of the hearing.

(4) The decision of the hearing officer shall be in writing, and shall state:

(i) The facts purported to evidence the nature and origin of the alleged debt;

(ii) The hearing official's analysis, findings, and conclusions, in the light of the hearing, as to—

(A) The employee's and/or agency's grounds,

(B) The amount and validity of the alleged debt, and,

(C) The repayment schedule, if applicable.

(5) The decision of the hearing official shall constitute the final administrative decision of the agency.

§ 1.1929 Deduction from pay.

(a) Deduction by salary offset, from an employee's current disposable pay, shall be subject to the following conditions:

(1) Ordinarily, debts to the United States should be collected in full, in one lump sum. This will be done when funds are available for payment in one lump sum, or, if the amount of the debt exceeds 15 percent of disposable pay for an officially established pay interval, collection will normally be made in installments.

(2) The installments shall not exceed 15 percent of the disposable pay from which the deduction is made, unless the employee has agreed in writing to the deduction of a greater amount.

(3) Deduction will generally commence with the next full pay interval (ordinarily the next biweekly pay period) following the date: of the employee's written consent to salary offset, the waiver of hearing, or the decision issued by the hearing officer.

(4) Installment deductions must be made over a period not greater than the anticipated period of employment except as provided in § 1.1930.

§ 1.1930 Liquidation from final check or recovery from other payment.

(a) If the employee retires or resigns or if his or her employment or period of active duty ends before collection of the debt is completed, offset of the entire remaining balance of the debt may be made from a final payment of any nature, including, but not limited, to, final salary payment or lump-sum leave due the employee as the date of separation, to such extent as is necessary to liquidate the debt.

(b) If the debt cannot be liquidated by offset from a final payment, offset may be made from later payments of any kind due from the United States, including, but not limited to, the Civil Service Retirement and Disability Fund, pursuant to § 1.1913 of this regulation.

§ 1.1931 Non-waiver of rights by payments.

An employee's involuntary payment of all or any portion of a debt being collected under 5 U.S.C. 5514 shall not be construed as a waiver of any rights which the employee may have under 5 U.S.C. 5514 or any other provision of contract or law, unless statutory or contractual provisions provide to the contrary.

§ 1.1932 Refunds.

(a) Refunds shall promptly be made when—

(1) A debt is waived or otherwise found not owing to the United States (unless expressly prohibited by statute or regulation); or

(2) The employee's paying agency is directed by an administrative or judicial order to refund amounts deducted from his or her current pay.

(b) Refunds do not bear interest unless required or permitted by law or contract.

§ 1.1933 Interest, penalties and administrative costs.

The assessment of interest, penalties and administrative costs shall be in accordance with §§ 1.1940 and 1.1941 of this regulation.

§ 1.1934 Recovery when paying agency is not creditor agency.

(a) Responsibilities of creditor agency. Upon completion of the procedures established under 5 U.S.C. 5514, the creditor agency must do the following:

(1) The creditor agency must certify, in writing, that the employee owes the debt, the amount and basis of the debt, the date on which payment(s) is due, the date of the Government's right to collect the debt first accrued, and that the creditor agency's regulations implementing 5 U.S.C. 5514 have been approved by OPM.

(2) If the collection must be made in installments, the creditor agency also must advise the paying agency of the number of installments to be collected, the amount of each installment, and the commencement date of the first installment (if a date other than the

next officially established pay period is required).

(3) Unless the employee has consented to the salary offset in writing or signed a statement acknowledging receipt of the required procedures, and the written consent or statement is forwarded to the paying agency, the creditor agency also must advise the paying agency of the action(s) taken under 5 U.S.C. 5514(b) and give the date(s) the action(s) was taken.

(4) Except as otherwise provided in this paragraph, the creditor agency must submit a debt claim containing the information specified in paragraphs (a)(1) through (3) of this section and an installment agreement (or other instruction on the payment schedule), if applicable to the employee's paying agency.

(5) If the employee is in the process of separating, the creditor agency must submit its claim to the employee's paying agency for collection pursuant to § 1.1930. The paying agency must certify the total amount of its collection and provide copies to the creditor agency and the employee as stated in paragraph (c)(1) of this section. If the paying agency is aware that the employee is entitled to payments from the Civil Service Retirement and Disability Fund, or other similar payments, it must provide written notification to the agency responsible for making such payments that the debtor owes a debt (including the amount) and that there has been full compliance with the provisions of this section. However, the creditor agency must submit a properly certified claim to the agency responsible for making such payments before collection can be made.

(6) If the employee is already separated and all payments from his or her former paying agency have been paid, the creditor agency may request, unless otherwise prohibited, that money due and payable to the employee from the Civil Service Retirement and Disability Fund (5 CFR 831.1801 *et seq.*), or other similar funds, be administratively offset to collect the debt. (31 U.S.C. 3716 and 4 CFR 102.4)

(b) Responsibilities of paying agency—

(1) *Complete claim.* When the paying agency receives a properly certified debt claim from a creditor agency, deductions should be scheduled to begin prospectively at the next officials established pay interval. The employee must receive written notice that the paying agency has received a certified debt claim from the creditor agency (including the amount) and written notice of the date deductions from salary will commence and of the amount of such deductions.

(2) *Incomplete claim.* When the paying agency receives an incomplete debt claim from a creditor agency, the paying agency must return the debt claim with a notice that procedures under 5 U.S.C. 5514 and this subpart must be provided, and a properly certified debt claim received, before action will be taken to collect from the employee's current pay account.

(3) *Review.* The paying agency is not required or authorized to review the merits of the creditor agency's determination with respect to the amount or validity of the debt certified by the creditor agency.

(c) Employees who transfer from one paying agency to another.

(1) If, after the creditor agency has submitted the debt claim to the employee's paying agency, the employee transfers to a position served by a different paying agency before the debt is collected in full, the paying agency from which the employee separates must certify the total amount of the collection made on the debt. One copy of the certification must be furnished to the employee, another to the creditor agency along with notice of employee's transfer. However, the creditor agency must submit a properly certified claim to the new paying agency before collection can be resumed.

(2) When an employee transfers to another paying agency, the creditor agency need not repeat the due process procedures described by 5 U.S.C. 5514 and this subpart to resume the collection. However, the creditor agency is responsible for reviewing the debt upon receiving the former paying agency's notice of the employee's transfer to make sure the collection is resumed by the new paying agency.

§ 1.1935 Obtaining the services of a hearing official.

(a) When the debtor does not work for the creditor agency and the creditor agency cannot provide a prompt and appropriate hearing before an administrative law judge or before a hearing official furnished pursuant to another lawful arrangement, the creditor agency may contact an agent of the paying agency designated in Appendix A of 5 CFR Part 581 for a hearing official, and the paying agency must then cooperate as provided by 4 CFR 102.1 and provide a hearing official.

(b) When the debtor works for the creditor agency, the creditor agency may contact any agent (of another agency) designated in Appendix A of 5 CFR Part 581 to arrange for a hearing official. Agencies must then cooperate as required by 4 CFR 102.1 and provide a hearing official.

INTEREST, PENALTIES, ADMINISTRATIVE COSTS AND OTHER SANCTIONS

§ 1.1940 Assessment.

(a) Except as provided in paragraph (h) of this section, or § 1.1941, the Commission shall assess interest, penalties and administrative costs on debts owed to the United States pursuant to 31 U.S.C. 3717. Before assessing these charges, the Commission will mail or hand-deliver a written notice to the debtor explaining the agency's requirements concerning these charges.

(b) Interest shall accrue from the date on which notice of the debt and the interest requirements is first mailed or hand-delivered to the debtor, using the most current address that is available to the agency. If the Commission should use an "advance billing" procedure—that is, if it mails a bill before a debt is actually owed—it can include the required interest notification in the advance billing, but interest may not start to accrue before the debt is actually owed.

(c) The rate of interest assessed shall be the rate of the current value of funds to the United States Treasury (*i.e.,* the Treasury Tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the FEDERAL REGISTER and the Treasury Financial Manual Bulletins annually or quarterly, in accordance with 31 U.S.C. 3717. The Commission may assess a higher rate of interest if it reasonably determines that a higher rate is necessary to protect the interests of the United States. The rate of interest, as initially assessed, shall remain fixed for the duration of the indebtedness except that where a debtor has defaulted on a repayment agreement and seeks to enter into a new agreement, the Commission may set a new interest rate which reflects the current value of funds to the Treasury at the time the new agreement is executed. Interest will not be assessed on accrued interest, penalties, or administrative costs required by this section. However, if the debtor defaults on a previous repayment agreement, charges which accrued but were not collected under the defaulted agreement shall be added to the principal to be paid under a new repayment schedule.

(d) The Commission shall assess against a debtor charges to cover administrative costs incurred as a result of a delinquent debt—that is, the additional costs incured in processing and handling the debt because it became delinquent. Calculation of administrative costs shall be based upon actual costs incurred or upon costs analyses establishing an average of actual additional costs incurred by the agency in processing and handling claims against other debtors in similar stages of delinquency. Administrative costs may include costs incurred in obtaining a credit report or in using a private debt collector, to the extent they are attributable to the delinquency.

(e) The Commission shall assess a penalty charge, not to exceed 6 percent a year, on any portion of a debt that is delinquent for more than 90 days. This charge need not be calculated until the 91st day of delinquency, but shall accrue from the date that the debt became delinquent.

(f) When a debt is paid in partial or installment payments, amounts received by the agency shall be applied first to outstanding penalty and administrative cost charges, second to accrued interest, and third to the outstanding principal.

(g) The Commission will waive the collection of interest on the debt or any portion of the debt which is paid within 30 days after the date on which interest began to accrue. It may extend this 30-day period, on a case-by-case basis, if it reasonably determines that such action is appropriate. Also, the Commission may waive, in whole or in part, the collection of interest, penalties, and/or administrative costs assessed under this section under the criteria specified in Part 103 of the Federal Claims Collection Standards (4 CFR Part 103) relating to the compromise of claims (without regard to the amount of the debt), or if it determines that collection of these charges would be against equity and good conscience, or not in the best interest of the United States. Waiver under the first sentence of this paragraph (g) is mandatory. Under the second and third sentences, it may be exercised under appropriate circumstances. Examples of appropriate circumstances include:

(1) Waiver of interest pending the agency's disposition of a request for reconsideration, administrative review, or waiver of the underlying debt under a permissive statute, and

(2) Waiver of interest where the Commission has accepted an installment plan under § 1.1914, and there is no indication of fault or lack of good faith on the part of the debtor.

(h) Where a mandatory waiver or review statute applies, interest and related charges may not be assessed for those periods during which collection action must be suspended under § 104.2(c)(1) of the Federal Claims Collection Standards (4 CFR Part 104).

§ 1.1941 Exemptions.

(a) The provisions concerning interest and penalty on claims contained in 31 U.S.C. 3717 do not apply:

(1) To debts owed by any State or local government;

(2) To debts arising under contracts which were executed prior to, and were in effect on (*i.e.*, were not completed as of), October 25, 1982;

(3) To debts where an applicable statute, regulation required by statute, loan agreement, or contract either prohibits such charges or explicitly fixes the charges that apply to the debts arising under the Social Security Act, the Internal Revenue Code of 1954, or the tariff laws of the United States.

(b) However, the Commission is authorized to assess interest and related charges on debts which are not subject to 31 U.S.C. 3717 to the extent authorized under the common law or other applicable statutory authority.

§ 1.1942 Other sanctions.

The remedies and sanctions available to the Commission in this subpart are not exclusive. The Commission may impose other sanctions, where permitted by law, for any inexcusable, prolonged, or repeated failure of a debtor to pay such a claim. In such cases, the Commission will provide notice, as required by law, to the debtor prior to imposition of any such sanction.

COOPERATION WITH THE INTERNAL REVENUE SERVICE

§ 1.1950 Reporting discharged debts to the Internal Revenue Service.

When the Commission discharges a debt for less than the full value of the indebtedness, it will report the outstanding balance discharged, not including interest, to the Internal Revenue Service, using IRS Form 1099-G or any other form prescribed by the Service, when:

(a) The principal amount of the debt not in dispute is $600 or more; and

(b) The obligation has not been discharged in a bankruptcy proceeding; and

(c) The obligation is no longer collectible either because the time limit in the applicable statute for enforcing collection expired during the tax year, or because during the year a formal compromise agreement was reached in which the debtor was legally discharged of all or a portion of the obligation.

§ 1.1951 Offset against tax refunds.

The Commission will take action to effect administrative offset against tax refunds due to debtors under 26 U.S.C. 6402, in accordance with the provisions of 31 U.S.C. 3720A and Treasury Department regulations.

GENERAL PROVISIONS CONCERNING INTERAGENCY REQUESTS

§ 1.1952 Interagency requests.

(a) Requests to the Commission by other Federal agencies for administrative or salary offset shall be in writing and forwarded to the Financial Services Branch, FCC, 1919 M Street NW., Washington, DC 20554.

(b) Requests by the Commission to other Federal agencies holding funds payable to the debtor will be in writing and forwarded, certified return receipt, as specified by that agency in its regulations. If the agency's rules governing this matter are not readily available or identifiable, the request will be submitted to that agency's office of legal counsel with a request that it be processed in accordance with their internal procedures.

(c) Requests to and from the Commission shall be accompanied by a certification that the debtor owes the debt (including the amount) and that the procedures for administrative or salary offset contained in this subpart, or comparable procedures prescribed by the requesting agency, have been fully complied with. The Commission will cooperate with other agencies in effecting collection.

(d) Requests to and from the Commission shall be processed within 30 calendar days of receipt. If such processing is impractical or not feasible, notice to extend the time period for another 30 calendar days will be forwarded 10 calendar days prior to the expiration of the first 30-day period.

APPENDIX A—A PLAN OF COOPERATIVE PROCEDURE IN MATTERS AND CASES UNDER THE PROVISIONS OF SECTION 410 OF THE COMMUNICATIONS ACT OF 1934

(Approved by the Federal Communications Commission October 25, 1938, and approved by the National Association of Railroad and Utilities Commissioners on November 17, 1938.)

PRELIMINARY STATEMENT CONCERNING THE PURPOSE AND EFFECT OF THE PLAN

Section 410 of the Communications Act of 1934 authorizes cooperation between the Federal Communications Commission, hereinafter called the Federal Commission, and the State commissions of the several States, in the administration of said Act. Subsection (a) authorizes the reference of any matter arising in the administration of said Act to a board to be composed of a member or members from each of the States in which the wire, or radio communication affected by or involved in the proceeding takes place, or is proposed. Subsection (b) authorizes conferences by the Federal Commission with State commissions regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commissions and of said Federal Commission and joint hearings with State commissions in connection with any matter with respect to which the Federal Commission is authorized to act.

Obviously, it is impossible to determine in advance what matters should be the subject of a conference, what matters should be referred to a board, and what matters should be heard at a joint hearing of State commissions and the Federal Commission. It is understood, therefore, that the Federal Commission or any State commission will freely suggest cooperation with respect to any proceedings or matter affecting any carrier subject to the jurisdiction of said Federal Commission and of a State commission, and concerning which it is believed that cooperation will be in the public interest.

To enable this to be done, whenever a proceeding shall be instituted before any commission, Federal or State, in which another commission is believed to be interested, notice should be promptly given each such interested commission by the commission before which the proceeding has been instituted. Inasmuch, however, as failure to give notice as contemplated by the provisions of this plan will sometimes occur purely through inadvertence, any such failure should not operate to deter any commission from suggesting that any such proceeding be made the subject matter of cooperative action, if cooperation therein is deemed desirable.

It is understood that each commission whether or not represented in the National Association of Railroad and Utilities Commissioners, must determine its own course of action with respect to any proceeding in the light of the law under which, at any given time, it is called upon to act, and must be guided by its own views of public policy; and that no action taken by such Association can in any respect prejudice such freedom of action. The approval by the Association of this plan of cooperative procedure, which was jointly prepared by the Association's standing Committee on Cooperation between Federal and State commissions and said Federal Commission, is accordingly recommendatory only; but such plan is designed to be, and it is believed that it will be, a helpful step in the promotion of cooperative relations between the State commissions and said Federal Commission.

NOTICE OF INSTITUTION OF PROCEEDING

Whenever there shall be instituted before the Federal Commission any proceeding involving the rates of any telephone or telegraph carrier, the State commissions of the States affected thereby will be notified immediately thereof by the Federal Commission, and each notice given a State commission will advise such commission that, if it deems the proceeding one which should be considered under the cooperative provisions of the Act, it should either directly or through the National Association of Railroad and Utilities Commissioners, notify the Federal Commission as to the nature of its interest in said matter and request a conference, the creation of a joint board, or a joint hearing as may be desired, indicating its preference and the reasons therefor. Upon receipt of such request the Federal Commission will consider the same and may confer with the commission making the request and with other interested commission, or with representatives of the National Association of Railroad and Utilities Commissioners, in such manner as may be most suitable; and if cooperation shall appear to be practicable and desirable, shall so advise each interested State commission, directly, when such cooperation will be by joint conference or by reference to a joint board appointed under said sec. 410 (a), and, as hereinafter provided, when such cooperation will be by a joint hearing under said sec. 410(b).

Each State commission should in like manner notify the Federal Commission of any proceeding instituted before it involving the toll telephone rates or the telegraph rates of any carrier subject to the jurisdiction of the Federal Commission.

PROCEDURE GOVERNING JOINT CONFERENCES

The Federal Commission, in accordance with the indicated procedure, will confer with any State commission regarding any matter relating to the regulation of public utilities subject to the jurisdiction of either commission. The commission desiring a conference upon any such matter should notify the other without delay, and thereupon the Federal Commission will promptly arrange for a conference in which all interested
State commissions will be invited to b
present.

PROCEDURE GOVERNING MATTERS REFERRED TO
BOARD

Whenever the Federal Commission, eithe
upon its own motion or upon the suggestio
of a State commission, or at the request o
any interested party, shall determine that
is desirable to refer a matter arising in th
administration of the Communications Ac
of 1934 to a board to be composed of
member or members from the State o
States affected or to be affected by suc
matter, the procedure shall be as follows:

The Federal Commission will send a re
quest to each interested State commissio
to nominate a specified number of member
to serve on such board.

The representation of each State con
cerned shall be equal, unless one or more o
the States affected chooses to waive suc
right of equal representation. When th
member or members of any board have bee
nominated and appointed, in accordanc
with the provisions of the Communication
Act of 1934, the Federal Commission wi
make an order referring the particula
matter to such board, and such order sha
fix the time and place of hearing, define th
force and effect the action of the boar
shall have, and the manner in which its pro
ceedings shall be conducted. The rules o
practice and procedure, as from time to tim
adopted or prescribed by the Federal Com
mission, shall govern such board, as far a
applicable.

PROCEDURE GOVERNING JOINT HEARINGS

Whenever the Federal Commission, eithe
upon its own motion or upon suggestion
made by or on behalf of any intereste
State commission or commissions, shall de
termine that a joint hearing under said sec
410(b) is desirable in connection with an
matter pending before said Federal Commis
sion, the procedure shall be as follows:

(a) The Federal Commission will notif
the general solicitor of the National Asso
ciation of Railroad and Utilities Commis
sioners that said Association, or, if not mor
than eight States are within the territor
affected by the proceeding, the State com
missions interested, are invited to name Co
operating Commissioners to sit with th
Federal Commission for the hearing an
consideration of said proceeding.

(b) Upon receipt of any notice from sai
Federal Commission inviting cooperation, i
not more than eight States are involved, th
general solicitor shall at once advise th
State commissions of said States, they bein
represented in the membership of the asso
ciation, of the receipt of such notice, an
shall request each such commission to giv

advice to him in writing, before a date to be indicated by him in his communication requesting such advice (1) whether such commission will cooperate in said proceeding, (2) if it will, by what commissioner it will be represented therein.

(c) Upon the basis of replies received, the general solicitor shall advise the Federal Commission what States, if any, are desirous of making the proceeding cooperative and by what commissioners they will be represented, and he shall give like advice to each State commission interested therein.

(d) If more than eight States are interested in the proceeding, because within territory for which rates will be under consideration therein, the general solicitor shall advise the president of the association that the association is invited to name a cooperating committee of State commissioners representing the States interested in said proceeding.

The president of the association shall thereupon advise the general solicitor in writing (1) whether the invitation is accepted on behalf of the association, and (2) the names of commissioners selected to sit as a cooperating committee. The president of the association shall have the authority to accept or to decline said invitation for the association, and to determine the number of commissioners who shall be named on the cooperating committee, provided that his action shall be concurred in by the chairman of the association's executive committee. In the event of any failure of the president of the association and chairman of its executive committee to agree, the second vice president of the association (or the chairman of its committee on cooperation between State and Federal commissions, if there shall be no second vice president) shall be consulted, and the majority opinion of the three shall prevail. Consultations and expressions of opinion may be by mail or telegraph.

(e) If any proceeding, involving more than eight States, is pending before the Federal Commission, in which cooperation has not been invited by that Commission, which the association's president and the first and second vice presidents, or any two of them, consider should be made a cooperating proceeding, they may instruct the general solicitor to suggest to the Federal Commission that the proceeding be made a cooperative proceeding; and any State commission considering that said proceeding should be made cooperative may request the president of the association or the chairman of its executive committee to make such suggestion after consideration with the executive officers above named. If said Federal Commission shall assent to the suggestion, made as aforesaid, the president of the association shall have the same authority to proceed, and shall proceed in the appointment of a cooperating committee, as is provided in other cases involving more than eight States, wherein the Federal Commission has invited cooperation, and the invitation has been accepted.

(f) Whenever any case is pending before the Federal Commission involving eight States or less, which a commission of any of said States considers should be made cooperative, such commission, either directly or through the general solicitor of the association, may suggest to the Federal Commission that the proceeding be made cooperative. If said Federal Commission accedes to such suggestion, it will notify the general solicitor of the association to that effect and thereupon the general solicitor shall proceed as is provided in such case when the invitation has been made by the Federal Commission without State commission suggestion.

APPOINTMENT OF COOPERATING COMMISSIONERS BY THE PRESIDENT

In the appointment of any cooperating committee, the president of the association shall make appointments only from commissions of the States interested in the particular proceeding in which the committee is to serve. He shall exercise his best judgment to select cooperating commissioners who are especially qualified to serve upon cooperating committees by reason of their ability and fitness; and in no case shall he appoint a commissioner upon a cooperating committee until he shall have been advised by such commissioner that it will be practicable for him to attend the hearings in the proceeding in which the committee is to serve, including the arguments therein, and the cooperative conferences, which may be held following the submission of the proceeding, to an extent that will reasonably enable him to be informed upon the issues in the proceeding and to form a reasonable judgment in the matters to be determined.

TENURE OF COOPERATORS

(a) No State commissioner shall sit in a cooperative proceeding under this plan except a commissioner who has been selected by his commission to represent it in a proceeding involving eight States or less, or has been selected by the president of the association to sit in a case involving more than eight States, in the manner hereinbefore provided.

(b) A commissioner who has been selected, as hereinbefore provided, to serve as a member of a cooperating committee in any proceeding, shall without further appointment, and without regard to the duration of time involved, continue to serve in said proceeding until the final disposition thereof, including hearings and conferences after any order or reopening, provided that he shall continue to be a State commissioner.

(c) No member of a cooperating committee shall have any right or authority to designate another commissioner to serve in his place at any hearing or conference in any proceeding in which he has been appointed to serve.

(d) Should a vacancy occur upon any cooperating committee, in a proceeding involving more than eight States, by reason of the death of any cooperating commissioner, or of his ceasing to be a State commissioner, or of other inability to serve, it shall be the duty of the president of the association to fill the vacancy by appointment, if, after communication with the chairman of the cooperating committee, it be deemed necessary to fill such vacancy.

(e) In the event of any such vacancy occurring upon a cooperating committee involving not more than eight States, the vacancy shall be filled by the commission from which the vacancy occurs.

COOPERATING COMMITTEE TO DETERMINE RESPECTING ANY REPORT OF STATEMENT OF ITS ATTITUDE

(a) Whenever a cooperating committee shall have concluded its work, or shall deem such course advisable, the committee shall consider whether it is necessary and desirable to make a report to the interested State commissions, and, if it shall determine to make a report, it shall cause the same to be distributed through the secretary of the association, or through the general solicitor to all interested commissions.

(b) If a report of the Federal Commission will accompany any order to be made in said proceeding, the Federal Commission will state therein the concurrence or nonconcurrence of said cooperating committee in the decision or order of said Federal Commission.

CONSTRUCTION HEREOF IN CERTAIN RESPECTS EXPRESSLY PROVIDED

It is understood and provided that no State or States shall be deprived of the right of participation and cooperation as hereinbefore provided because of nonmembership in the association. With respect to any such State or States, all negotiations herein specified to be carried on between the Federal Commission and any officer of such association shall be conducted by the Federal Commission directly with the chairman of the commission of such State or States.

[28 FR 12462, Nov. 22, 1963, as amended at 29 FR 4801, Apr. 4, 1964]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

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AUTHORITY: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 302, 303, and 307, unless otherwise noted.

SOURCE: 28 FR 12465, Nov. 22, 1963, unless otherwise noted.

Subpart A—Terminology

§ 2.1 Terms and definitions.

(a) Where a term or definition appears in this part of the Commission's Rules, it shall be the definitive term or definition and shall prevail throughout the Commission's Rules.

(b) The source of each definition is indicated as follows:

CONV—*International Telecommunication Convention*, Malaga-Torremolinos, 1973.
RR—*Radio Regulations*, Geneva, 1982.
FCC—Federal Communications Commission.

(c) The following terms and definitions are issued:

Accepted Interference.[1] Interference at a higher level than defined as permissible interference and which has been agreed upon between two or more administrations without prejudice to other administrations. (RR)

Active Satellite. A satellite carrying a station intended to transmit or retransmit radiocommunication signals. (RR)

Active Sensor. A measuring instrument in the earth exploration-satellite service or in the space research service by means of which information is obtained by transmission and reception of radio waves. (RR)

Administration. Any governmental department or service responsible for discharging the obligations undertaken in the Convention of the International Telecommunication Union and the Regulations. (CONV)

Aeronautical Earth Station. An Earth station in the fixed-satellite service, or, in some cases, in the aeronautical mobile-satellite service, located at a specified fixed point on land to provide a feeder link for the aeronautical mobile-satellite service. (RR)

Aeronautical Fixed Service. A radiocommunication service between specified fixed points provided primarily for the safety of air navigation and for the regular, efficient and economical operation of air transport. (RR)

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[1] The terms "permissible interference" and "accepted interference" are used in the coordination of frequency assignments between administrations.

Aeronautical Fixed Station. A station in the aeronautical fixed service. (RR)

Aeronautical Mobile Off-Route (OR) Service. An aeronautical mobile service intended for communications, including those relating to flight coordination, primarily outside national or international civil air routes. (RR)

Aeronautical Mobile Route (R) Service. An aeronautical mobile service reserved for communications relating to safety and regularity of flight, primarily along national or international civil air routes. (RR)

Aeronautical Mobile-Satellite Off-Route (OR) Service. An aeronautical mobile-satellite service intended for communications, including those relating to flight coordination, primarily outside national and international civil air routes. (RR)

Aeronautical Mobile-Satellite Route (R) Service. An aeronautical mobile-satellite service reserved for communications relating to safety and regularity of flights, primarily along national or international civil air routes. (RR)

Aeronautical Mobile-Satellite Service. A mobile-satellite service in which mobile earth stations are located on board aircraft; survival craft stations and emergency position-indicating radiobeacon stations may also participate in this service. (RR)

Aeronautical Mobile Service. A mobile service between aeronautical stations and aircraft stations, or between aircraft stations, in which survival craft stations may participate; emergency position-indicating radiobeacon stations may also participate in this service on designated distress and emergency frequencies. (RR)

Aeronautical Radionavigation-Satellite Service. A radionavigation-satellite service in which earth stations are located on board aircraft. (RR)

Aeronautical Radionavigation Service. A radio-navigation service intended for the benefit and for the safe operation of aircraft. (RR)

Aeronautical Station. A land station in the aeronautical mobile service.

NOTE: In certain instances, an aeronautical station may be located, for example, on board ship or on a platform at sea. (RR)

Aircraft Earth Station. A mobile earth station in the aeronautical mobile-satellite service located on board an aircraft. (RR)

Aircraft Station. A mobile station in the aeronautical mobile service, other than a survival craft station, located on board an aircraft. (RR)

Allocation (of a frequency band). Entry in the Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more terrestrial or space radiocommunication services or the radio astronomy service under specified conditions. This term shall also be applied to the frequency band concerned. (RR)

Allotment (of a radio frequency or radio frequency channel). Entry of a designated frequency channel in an agreed plan, adopted by a competent conference, for use by one or more administrations for a terrestrial or space radiocommunication service in one or more identified countries or geographical area and under specified conditions. (RR)

Altitude of the Apogee or Perigee. The altitude of the apogee or perigee above a specified reference surface serving to represent the surface of the Earth. (RR)

Amateur-Satellite Service. A radiocommunication service using space stations on earth satellites for the same purposes as those of the amateur service. (RR)

Amateur Service. A radiocommunication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest. (RR)

Amateur Station. A station in the amateur service. (RR)

Assigned Frequency. The centre of the frequency band assigned to a station. (RR)

Assigned Frequency Band. The frequency band within which the emission of a station is authorized; the width of the band equals the necessary bandwidth plus twice the absolute value of the frequency tolerance. Where space stations are concerned, the assigned frequency band includes twice the maximum Doppler shift that may occur in relation to any point of the Earth's surface. (RR)

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Assignment (of a radio frequency or radio frequency channel). Authorization given by an administration for a radio station to use a radio frequency or radio frequency channel under specified conditions. (RR)

Base Earth Station. An earth station in the fixed-satellite service or, in some cases, in the land mobile-satellite service, located at a specified fixed point or within a specified area on land to provide a feeder link for the land mobile-satellite service. (RR)

Base Station. A land station in the land mobile service. (RR)

Broadcasting-Satellite Service. A radiocommunication service in which signals transmitted or retransmitted by space stations are intended for direct reception by the general public.

NOTE: In the broadcasting-satellite service, the term "direct reception" shall encompass both individual reception and community reception. (RR)

Broadcasting Service. A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission. (CONV)

Broadcasting Station. A station in the broadcasting service. (RR)

Carrier Power (of a radio transmitter). The average power supplied to the antenna transmission line by a transmitter during one radio frequency cycle taken under the condition of no modulation. (RR)

Characteristic Frequency. A frequency which can be easily identified and measured in a given emission.

NOTE: A carrier frequency may, for example, be designated as the characteristic frequency. (RR)

Class of Emission. The set of characteristics of an emission, designated by standard symbols, e.g., type of modulation, modulating signal, type of information to be transmitted, and also if appropriate, any additional signal characteristics. (RR)

Coast Earth Station. An earth station in the fixed-satellite service or, in some cases, in the maritime mobile-satellite service, located at a specified fixed point on land to provide a feeder link for the maritime mobile-satellite service. (RR)

Coast Station. A land station in the maritime mobile service. (RR)

Community Reception (in the broadcasting-satellite service). The reception of emissions from a space station in the broadcasting-satellite service by receiving equipment, which in some cases may be complex and have antennae larger than those for individua reception, and intended for use: (1) by a group of the general public at one location; or (2) through a distribution system covering a limited area. (RR)

Coordinated Universal Time (UTC. Time scale, based on the second (SI), as defined and recommended by the CCIR, [2] and maintained by the Bureau International de l'Heure (BIH).

NOTE: For most practical purposes associated with the Radio Regulations, UTC is equivalent to mean solar time at the prime meridian (0 degrees longitude), formerly expressed in GMT. (RR)

Coordination Area. The area associated with an earth station outside of which a terrestrial station sharing the same frequency band neither causes nor is subject to interfering emissions greater than a permissible level. (RR

Coordination Contour. The line enclosing the coordination area. (RR)

Coordination Distance. Distance on a given azimuth from an earth station beyond which a terrestrial causes nor is subject to interfering emissions greater than a permissible level. (RR

Deep Space. Space at a distance from the Earth approximately equal to, or greater than, the distance between the Earth and the Moon. (RR)

Direct Sequence Systems. A direct sequence system is a spread spectrum system in which the incoming information is usually digitized, if it is not already in a binary format, and modulo 2 added to a higher speed code sequence. The combined information and code are then used to modulate a RF carrier. Since the high speed code sequence dominates the modulating function, it is the direct cause of the wide spreading of the transmitted signal.

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[2] The full definition is contained in CCIR Recommendation 460-2.

Duplex Operation. Operating method in which transmission is possible simultaneously in both directions of a telecommunication channel.[3] (RR)

Earth Exploration-Satellite Service. A radiocommunication service between earth stations and one or more space stations, which may include links between space stations in which:

(1) Information relating to the characteristics of the Earth and its natural phenomena is obtained from active sensors or passive sensors on earth satellites;

(2) Similar information is collected from air-borne or earth-based platforms;

(3) Such information may be distributed to earth stations within the system concerned;

(4) Platform interrogation may be included.

NOTE: This service may also include feeder links necesary for its operation. (RR)

Earth Station. A station located either on the earth's surface or within the major portion of earth's atmosphere and intended for communication:

(1) With one or more space stations; or

(2) With one or more stations of the same kind by means of one or more reflecting satellites or other objects in space. (RR)

Effective Radiated Power (*e.r.p*) (*in a given direction*). The product of the power supplied to the antenna and its gain relative to a half-wave dipole in a given direction. (RR)

Emergency Position-Indicating Radiobeacon Station. A station in the mobile service the emissions of which are intended to facilitate search and rescue operations. (RR)

Emission. Radiation produced, or the production of radiation, by a radio transmitting station.

NOTE: For example, the energy radiated by the local oscillator of a radio receiver would not be an emission but a radiation. (RR)

Equivalent Isotropically Radiated Power (*e.i.r.p.*). The product of the power suppled to the antenna and the antenna gain in a given direction relative to an isotropic antenna. (RR)

Equivalent Monopole Radiated Power (*e.m.r.p.*) (*in a given direction*). The product of the power supplied to the antenna and its gain relative to a short vertical antenna in a given direction. (RR)

Equivalent Satellite Link Noise Temperature. The noise temperature referred to the output of the receiving antenna of the earth station corresponding to the radio-frequency noise power which produces the total observed noise at the output of the satellite link excluding the noise due to interference coming from satellite links using other satellites and from terrestrial systems. (RR)

Experimental Station. A station utilizing radio waves in experiments with a view to the development of science or technique.

NOTE: This definition does not include amateur stations. (RR)

Facsimile. A form of telegraphy for the transmission of fixed images, with or without half-tones, with a view to their reproduction in a permanent form.

NOTE: In this definition the term telegraphy has the same general meaning as defined in the Convention. (RR)

Feeder Link. A radio link from an earth station at a specified fixed point to a space station, or vice versa, conveying information for a space radiocommunication service other than for the fixed-satellite service. (RR)

Fixed-Satellite Service. A radiocommunication service between earth stations at a specified fixed point when one or more satellites are used; in some cases this service includes satellite-to-satellite links, which may also be effected in the inter-satellite service; the fixed-satellite service may also include feeder links for other space radiocommunication services. (RR)

Fixed Service. A radiocommunication service between specified fixed points. (RR)

Fixed Station. A station in the fixed service. (RR)

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[3] In general, duplex operation and semiduplex operation require two frequencies in radiocommunication; simplex operation may use either one or two.

Frequency-Shift Telegraphy. Telegraphy by frequency modulation in which the telegraph signal shifts the frequency of the carrier between predetermined values. (RR)

Frequency Tolerance. The maximum permissible departure by the centre frequency of the frequency band occupied by an emission from the assigned frequency or, by the characteristic frequency of an emission from the reference frequency.

NOTE: The frequency tolerance is expressed in parts in 10^6 or in hertz. (RR)

Full Carrier Single-Sideband Emission. A single-sideband emission without suppression of the carrier. (RR)

Frequency Hopping Systems. A frequency hopping system is a spread spectrum system in which the carrier is modulated with the coded information in a conventional manner causing a conventional spreading of the RF energy about the carrier frequency. However, the frequency of the carrier is not fixed but changes at fixed intervals under the direction of a pseudorandom coded sequence. The wide RF bandwidth needed by such a system is not required by a spreading of the RF energy about the carrier but rather to accommodate the range of frequencies to which the carrier frequency can hop.

Gain of an Antenna. The ratio, usually expressed in decibels, of the power required at the input of a loss free reference antenna to the power supplied to the input of the given antenna to produce, in a given direction, the same field strength or the same power flux-density at the same distance. When not specified otherwise, the gain refers to the direction of maximum radiation. The gain may be considered for a specified polarization.

NOTE: Depending on the choice of the reference antenna a distinction is made between:

(1) Absolute or isotropic gain (Gi), when the reference antenna is an isotropic antenna isolated in space;

(2) Gain relative to a half-wave dipole (Gd), when the reference antenna is a half-wave dipole isolated in space whose equatorial plane contains the given direction;

(3) Gain relative to a short vertical antenna (Gv), when the reference antenna is a linear conductor, much shorter than one quarter of the wavelength, normal to the surface of a perfectly conducting plane which contains the given direction. (RR)

General Purpose Mobile Service. A mobile service that includes all mobile communications uses including those within the Aeronautical Mobile, Land Mobile, or the Maritime Mobile Services.

Geostationary Satellite. A geosynchronous satellite whose circular and direct orbit lies in the plane of the Earth's equator and which thus remains fixed relative to the Earth; by extension, a satellite which remains approximately fixed relative to the Earth. (RR)

Geostationary Satellite Orbit. The orbit in which a satellite must be placed to be a geostationary satellite. (RR)

Geosynchronous Satellite. An Earth satellite whose period of revolution is equal to the period of rotation of the Earth about its axis. (RR)

Harmful Interference[*]. Interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with these [international] Radio Regulations. (RR)

Hybrid Spread Spectrum Systems. Hybrid spread spectrum systems are those which use combinations of two or more types of direct sequence, frequency hopping, time hopping and pulsed FM modulation in order to achieve their wide occupied bandwidths.

Inclination of an Orbit (of an earth satellite). The angle determined by the plane containing the orbit and the plane of the Earth's equator. (RR)

Individual Reception (in the broadcasting-satellite service). The reception of emissions from a space station in the broadcasting-satellite service by simple domestic installations and in particular those possessing small antennae. (RR)

Industrial, Scientific and Medical (ISM) (of radio frequency energy) Applications. Operation of equipment or appliances designed to generate and use locally radio-frequency energy for industrial, scientific, medical, domestic or similar purposes, excluding applications in the field of telecommunications. (RR)

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[*] See Resolution 68 of the *Radio Regulations.*

Instrument Landing System (ILS). A radionavigation system which provides aircraft with horizontal and vertical guidance just before and during landing and, at certain fixed points, indicates the distance to the reference point of landing. (RR)

Instrument Landing System Glide Path. A system of vertical guidance embodied in the instrument landing system which indicates the vertical deviation of the aircraft from its optimum path of descent. (RR)

Instrument Landing System Localizer. A system of horizontal guidance embodied in the instrument landing system which indicates the horizontal deviation of the aircraft from its optimum path of descent along the axis of the runway. (RR)

Interference. The effect of unwanted energy due to one or a combination of emissions, radiations, or inductions upon reception in a radiocommunication system, manifested by any performance degradation, misinterpretation, or loss of information which could be extracted in the absence of such unwanted energy. (RR)

Inter-Satellite Service. A radiocommunication service providing links between artificial earth satellites. (RR)

Ionospheric Scatter. The propagation of radio waves by scattering as a result of irregularities or discontinuities in the ionization of the ionosphere. (RR)

Land Earth Station. An earth station in the fixed-satellite service or, in some cases, in the mobile-satellite service, located at a specified fixed point or within a specified area on land to provide a feeder link for the mobile-satellite service. (RR)

Land Mobile Earth Station. A mobile earth station in the land mobile-satellite service capable of surface movement within the geographical limits of a country or continent. (RR)

Land Mobile-Satellite Service. A mobile-satellite service in which mobile earth stations are located on land. (RR)

Land Mobile Service. A mobile service between base stations and land mobile stations, or between land mobile stations. (RR)

Land Mobile Station. A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

Land Station. A station in the mobile service not intended to be used while in motion. (RR)

Left-Hand (or Anti-Clockwise) Polarized Wave. An elliptically or circularly-polarized wave, in fixed plane, normal to the direction of propagation, whilst looking in the direction of propagation, rotates with time in a left hand or anti-clockwise direction. (RR)

Line A. Begins at Aberdeen, Washington running by great circle arc to the intersection of 48° N., 120° W., thence along parallel 48° N., to the intersection of 95° W., thence by great circle arc through the southernmost point of Duluth, Minn., thence by great circle arc to 45° N., 85° W., thence southward along meridian 85° W., to its intersection with parallel 41° N., thence along parallel 41° N., to its intersection with meridian 82° W., thence by great circle arc through the southernmost point of Bangor, Maine, thence by great circle arc through the southernmost point of Searsport, Maine, at which point it terminates. (FCC)

Line B. Begins at Tofino, B.C., running by great circle arc to the intersection of 50° N., 125° W., thence along parallel 50° N., to the intersection of 90° W., thence by great circle arc to the intersection of 45° N., 79°30′ W., thence by great circle arc through the northernmost point of Drummondville, Quebec (Lat. 45°52′ N., Long 72°30′ W.), thence by great circle arc to 48°30′ N., 70° W., thence by great circle arc through the northernmost point of Compbellton, N.B., thence by great circle are through the northernmost point of Liverpool, N.S., at which point it terminates. (FCC)

Line C. Begins at the intersection of 70° N., 144° W., thence by great circle arc to the intersection of 60° N., 143° W., thence by great circle arc so as to include all of the Alaskan Panhandle. (FCC)

Line D. Begins at the intersection of 70° N., 138° W., thence by great circle arc to the intersection of 61°20′ N., 139° W. (Burwash Landing), thence by great circle arc to the intersection of 60°45′ N., 135° W., thence by great circle arc to the intersection of 56° N., 128° W., thence south along 128° meridian to Lat. 55° N., thence by great circle arc to the intersection of 54° N., 130° W., thence by great circle arc to Port Clements, thence to the Pacific Ocean where it ends. (FCC)

Maritime Mobile-Satellite Service. A mobile-satellite service in which mobile earth stations are located on board ships; survival craft stations and emergency position-indicating radiobeacon stations may also participate in this service. (RR)

Maritime Mobile Service. A mobile service between coast stations and ship stations, or between ship stations, or between associated on-board communication stations; survival craft stations and emergency position-indicating radiobeacon stations may also participate in this service. (RR)

Maritime Radionavigation-Satellite Service. A radionavigation-satellite service in which earth stations are located on board ships. (RR)

Maritime Radionavigation Service. A radionavigation service intended for the benefit and for the safe operation of ships. (RR)

Marker Beacon. A transmitter in the aeronautical radionavigation service which radiates vertically a distinctive pattern for providing position information to aircraft. (RR)

Mean Power (of a radio transmitter). The average power supplied to the antenna transmission line by a transmitter during an interval of time sufficiently long compared with the lowest frequency encountered in the modulation taken under normal operating conditions. (RR)

Meteorological Aids Service. A radiocommunication service used for meteorological, including hydrological, observation and exploration. (RR)

Meteorological-Satellite Service. An earth exploration-satellite service for meteorological purposes. (RR)

Mobile Earth Station. An earth station in the mobile-satellite service intended to be used while in motion or during halts at unspecified points. (RR)

Mobile-Satellite Service. A radiocommunication service:

(1) Between mobile earth stations and one or more space stations, or between space stations used by this service; or

(2) Between mobile earth stations by means of one or more space stations.

NOTE: This service may also include feeder links necessary for its operation. (RR)

Mobile Service. A radiocommunication service between mobile and land stations, or between mobile stations. (CONV)

Mobile Station. A station in the mobile service intended to be used while in motion or during halts at unspecified points. (RR)

Multi-Satellite Link. A radio link between a transmitting earth station and a receiving earth station through two or more satellites, without any intermediate earth station.

NOTE: A multisatellite link comprises one up-link, one or more satellite-to-satellite links and one down-link. (RR)

Necessary Bandwidth. For a given class of emission, the width of the frequency band which is just sufficient to ensure the transmission of information at the rate and with the quality required under specified conditions. (RR)

Occupied Bandwidth. The width of a frequency band such that, below the lower and above the upper frequency limits, the mean powers emitted are each equal to a specified percentage Beta/2 of the total mean power of a given emission.

NOTE: Unless otherwise specified by the CCIR for the appropriate class of emission, the value of Beta/2 should be taken as 0.5%. (RR)

On-Board Communication Station. A low-powered mobile station in the maritime mobile service intended for use for internal communications on board a ship, or between a ship and its lifeboats and life-rafts during lifeboat drills or operations, or for communication within a group of vessels being towed or pushed, as well as for line handling and mooring instructions. (RR)

Orbit. The path, relative to a specified frame of reference, described by the centre of mass of a satellite or other object in space subjected primarily to natural forces, mainly the force of gravity. (RR)

Out-of-band Emission. Emission on a frequency or frequencies immediately outside the necessary bandwidth which results from the modulation process, but excluding spurious emissions. (RR)

Passive Sensor. A measuring instrument in the earth exploration-satellite service or in the space research service by means of which information is obtained by reception of radio waves of natural origin. (RR)

Peak Envelope Power (of a radio transmitter). The average power supplied to the antenna transmission line by a transmitter during one radio frequency cycle at the crest of the modulation envelope taken under normal operating conditions. (RR)

Period (of a satellite). The time elapsing between two consecutive passages of a satellite through a characteristic point on its orbit. (RR)

Permissible Interference. Observed or predicted interference which complies with quantitative interference and sharing criteria contained in these [International Radio] Regulations or in CCIR Recommendations or in special agreements as provided for in these Regulations. (RR)

Port Operations Service. A maritime mobile service in or near a port, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the operational handling, the movement and the safty of ships and, in emergency, to the safety of persons.

NOTE: Messages which are of a public correspondence nature shall be excluded from this service. (RR)

Port Station. A coast station in the port operations service. (RR)

Power. Whenever the power of a radio transmitter etc. is referred to it shall be expressed in one of the following forms, according to the class of emission, using the arbitrary symbols indicated:

(1) Peak envelope power (PX or pX);
(2) Mean power (PY or pY);
(3) Carrier power (PZ or pZ).

NOTE 1: For different classes of emission, the relationships between peak envelope power, mean power and carrier power, under the conditions of normal operation and of no modulation, are contained in CCIR Recommendations which may be used as a guide.

NOTE 2: For use in formulae, the symbol "p" denotes power expressed in watts and the symbol "p" denotes power expressed in decibels relative to a reference level. (RR)

Primary Radar. A radiodetermination system based on the comparison of reference signals with radio signals reflected from the position to be determined. (RR)

Protection Ratio. The minimum value of the wanted-to-unwanted signal ratio, usually expressed in decibels, at the receiver input determined under specified conditions such that a specified reception quality of the wanted signal is achieved at the receiver output. (RR)

Pseudorandom sequence. A sequence of binary data which has some of the characteristics of a random sequence but also has some characteristics which are not random. It resembles a true random sequence in that the one bits and zero bits of the sequence are distributed randomly throughout every length, N, of the sequence and the total numbers of the one and zero bits in that length are approximately equal. It is not a true random sequence, however, because it consists of a fixed number (or length) of coded bits which repeats itself exactly whenever that length is exceeded, and because it is generated by a fixed algorithm from some fixed initial state.

Public Correspondence. Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission. (CONV)

Pulsed FM Systems. A pulsed FM system is a spread spectrum system in which a RF carrier is modulated with a fixed period and fixed duty cycle sequence. At the beginning of each transmitted pulse, the carrier frequency is frequency modulated causing an additional spreading of the carrier. The pattern of the frequency modulation will depend upon the spreading function which is chosen. In some systems the spreading function is a linear

FM chirp sweep, sweeping either up or down in frequency.

Radar. A radiodetermination system based on the comparison of reference signals with radio signals reflected, or retrainsmitted, from the position to be determined. (RR)

Radar Beacon (RACON). A transmitter-receiver associated with a fixed navigational mark which, when triggered by a radar, automatically returns a distinctive signal which can appear on the display of the triggering radar, providing range, bearing and identification information. (RR)

Radiation. The outward flow of energy from any source in the form of radio waves. (RR)

Radio. A general term applied to the use of radio waves. (CONV)

Radio Altimeter. Radionavigation equipment, on board an aircraft or spacecraft or the spacecraft above the Earth's surface or another surface. (RR)

Radio Astronomy. Astronomy based on the reception of radio waves of cosmic origin. (RR)

Radio Astronomy Service. A service involving the use of radio astronomy. (RR)

Radio Astronomy Station. A station in the radio astronomy service. (RR)

Radiobeacon Station. A station in the radionavigation service the emissions of which are intended to enable a mobile station to determine its bearing or direction in relation to radiobeacon station. (RR)

Radiocommunication. Telecommunication by means of radio waves. (CONV)

Radiocommunication Service. A service as defined in this Section involving the transmission, emission and/or reception of radio waves for specific telecommunication purposes.

NOTE: In these [international] Radio Regulations, unless otherwise stated, any radiocommunication service relates to terrestrial radiocommunication. (RR)

Radiodetermination. The determination of the position, velocity and/or other characteristics of an object, or the obtaining of information relating to these parameters, by means of the propagation properties of radio waves. (RR)

Radiodetermination-Satellite Service. A radiocommunication service for the purpose of radiodetermination involving the use or one of more space stations. This service may also include feeder links necessary for its own operation. (RR)

Radiodetermination Service. A radiocommunication service for the purpose of radiodetermination. (RR)

Radiodetermination Station. A station in the radiodetermination servlice. (RR)

Radio Direction-Finding. Radiodetermination using the reception of radio waves for the purpose of determining the direction of a station or object. (RR)

Radio Direction-Finding Station. A radiodetermination station using radio direction-finding. (RR)

Radiolocation. Radiodetermination used for purposes other than those of radionavigation. (RR)

Radiolocation Land Station. A station in the radiolocation service not intended to be used while in motion. (RR)

Radiolocation Mobil Station. A station in the radiolocation service intended to be used while in motion or during halts at unspecified points. (RR)

Radiolocation Service. A radiodetermination service for the purpose of radiolocation. (RR)

Radionavigation. Radiodetermination used for the purposes of navigation, including obstruction warning.

Radionavigation Land Station. A station in the radionavigation service not intended to be used while in motion. (RR)

Radionavigation Mobile Station. A station in the radionavigation service intended to be used while in motion or during halts at unspecified points. (RR)

Radionavigation-Satellite Service. A radiodetermination-satellite service used for the purpose of radionavigation. This service may also include feeder links necessary for its operation. (RR)

Radionavigation Service. A radiodetermination service for the purpose of radionavigation. (RR)

Radiosonde. An automatic radio transmitter in the meteorological aids service usually carried on an aircraft, free ballon, kite or parachute, and which transmits meteorological data. (RR)

Radiotelegram. A telegram, originating in or intended for a mobile station or a mobile earth station transmitted on all or part of its route over the radiocommunication channels of the mobile service or of the mobile-satellite service. (RR)

Radiotelemetry. Telemetry by means of radio waves. (RR)

Radiotelephone Call. A telephone call, originating in or intended for a mobile station or a mobile earth station, transmitted on all or part of its route over the radiocommunication channels of the mobile service or of the mobile-satellite service. (RR)

Radiotelex Call. A telex call, originating in or intended for a mobile station or a mobile earth station, transmitted on all or part of its route over the radiocommunication channels of the mobile service or the mobile-satellite service. (RR)

Radio Waves or Hertzian Waves. Electromagnetic waves of frequencies arbitrarily lower than 3,000 GHz, propagated in space without aritificial guide. (RR)

Reduced Carrier Single-Sideband Emission. A single-sideband emission in which the degree of carrier suppession enables the carrier to be reconstrituted and to be used for demodulation. (RR)

Reference Frequency. A frequency having a fixed and specified position with respect to the assigned frequency. The displacement of this frequency with respect to the assigned frequency has the same absolute value and sign that the displacement of the characteristic frequency has with respect to the centre of the frequency band occupied by the emission. (RR)

Reflecting Satellite. A satellite intended to reflect radiocommunication signals. (RR)

Right-Hand (or Clockwise) Polarized Wave. An Elliptically or circularly-polarized wave, in which the electric field vector, observed in any fixed plane, normal to the direction of propagaton, whilst looking in the direction of propagation, rotates with time in a right-hand or clockwise direction. (RR)

Safety Service. Any radiocommunication service used permanently or temporarily for the safeguarding of human life and property. (CONV)

Satellite. A body which revolves around another body of preponderant mass and which has a motion primarily and permanently determined by the force of attraction of that other body. (RR)

Satellite Link. A radio link between a transmitting earth station and a receiving earth station through one satellite. A satellite link comprises one up-link and one down-link. (RR)

Satellite Network. A satellite system or a part of a satellite system, consisting of only one satellite and the cooperating earth stations. (RR)

Satellite System. A space system using one or more artificial earth satellites. (RR)

Secondary Radar. A radiodetermination system based on the comparison of reference signals with radio signals retransmitted from the position to be determined. (RR)

Semi-Duplex Operation. A method which is simplex operation at one end of the circuit and duplex operation at the other.[3] (RR)

Ship Earth Station. A mobile earth station in the maritime mobile-satellite service located on board ship. (RR)

Ship Movement Service. A safety service in the maritime mobile service other than a port operations service, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the movement of ships. Messages which are of a public correspondence nature shall be excluded from this service. (RR)

Ship's Emergency Transmitter. A ship's transmitter to be used exclusively on a distress frequency for distress, urgency or safety purposes. (RR)

Ship Station. A mobile station in the maritime mobile service located on board a vessel which is not permanently moored, other than a survival craft station. (RR)

Simplex Operation. Operating method in which transmission is made possible alternatively in each direction of a telecommunication channel, for example, by means of manual control.[3] (RR)

Single-Sideband Emission. An amplitude modulated emission with one sideband only. (RR)

Spacecraft. A man-made vehicle which is intended to go beyond the major portion of the Earth's atmosphere. (RR)

Space Operation Service. A radiocommunication service concerned exclusively with the operation of spacecraft, in particular space tracking, space telemetry, and space telecommand.

NOTE: These functions will normally be provided within the service in which the space station is operating. (RR)

Space Radiocommunication. Any radiocommunication involving the use of one or more space stations or the use of one or more reflecting satellites or other objects in space. (RR)

Space Research Service. A radiocommunication service in which spacecraft or other objects in space are used for scientific or technological research purposes. (RR)

Space Station. A station located on an object which is beyond, is intended to go beyond, or has been beyond, the major portion of the Earth's atmosphere. (RR)

Space System. Any group of cooperating Earth stations and/or space stations employing space radiocommunication for specific purposes. (RR)

Space Telecommand. The use of radiocommunication for the transmission of signals to a space station to initiate, modify or terminate functions of equipment on a space object, incuding the space station. (RR)

Space Telemetry. The use of telemetry for transmission for a space station of results of measurements made in a spacecraft, including those relating to the functioning of the spacecraft. (RR)

Space Tracking. Determination of the orbit, velocity or instantaneous position of an object in space by means of radiodetermination, excluding primary radar, for the purpose of following the movement of the object. (RR)

Special Service. A radiocommunication service, not otherwise defined in this Section, carried on exclusively for specific needs of general utility, and not open to public correspondence. (RR)

Spread Spectrum Systems. A spread spectrum system is an information bearing communications system in which: (1) Information is conveyed by modulation of a carrier by some conventional means, (2) the bandwidth is deliberately widened by means of a spreading function over that which would be needed to transmit the information alone. (In some spread spectrum systems, a portion of the information being conveyed by the system may be contained in the spreading function.)

Spurious Emission. Emission on a frequency or frequencies which are outside the necessary bandwidth and the level of which may be reduced without affecting the corresponding transmission of information. Spurious emissions include harmonic emissions, parasitic emissions, intermodulation products and frequency conversion products, but exclude out-of-band emissions. (RR)

Standard Frequency and Time Signal-Satellite Service. A radiocommunication service using space stations on earth satellites for the same purposes as those of the standard frequency and time signal service.

NOTE: This service may also include feeder links necessary for its operation. (RR)

Standard Frequency and Time Signal Service. A radiocommunication service for scientific, technical and other purposes, providing the transmission of specified frequencies, time signals, or both, of stated high precision, intended for general reception. (RR)

Standard Frequency and Time Signal Station. A station in the standard frequency and time signal service. (RR)

Station. One or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service, or the radio astronomy service.

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[3] (See footnote under Duplex Operations.)

NOTE: Each station shall be classified by he service in which it operates permanenty or temporarily. (RR)

Suppressed Carrier Single-Sideband Emission. A single-sideband emission n which the carrier is virtually suppressed and not intended to be used or demodulation. (RR)

Survival Craft Station. A mobile staion in the maritime mobile service or he aeronautical mobile service intended solely for survival purposes and loated on any lifeboat, life-raft or other urvival equipment. (RR)

Telecommand. The use of telecomnunication for the transmission of signals to initiate, modify or terminate unctions of equipment at a distance. RR)

Telecommunication. Any transmision, emission or reception of signs, ignals, writing, images and sounds or ntelligence of any nature by wire, adio, optical or other electromagnetic ystems. (CONV)

Telegram. Written matter intended o be transmitted by telegraphy for delivery to the addressee. This term also includes radiotelegrams unless otherwise specified.

NOTE: In this definition the term telegrahy has the same general meaning as deined in the Convention. (CONV)

Telegraphy. A form of telecommuniation which is concerned in any procss providing transmission and reproduction at a distance of documentary matter, such as written or printed matter or fixed images, or the reproduction at a distance of any kind of information in such a form. For the purposes of the [international] Radio Regulations, unless otherwise specified therein, telegraphy shall mean a orm of telecommunication for the ransmission of written matter by the use of a signal code.[4] (RR)

Telemetry. The use of telecommuniation for automatical indicating or reording measurements at a distance rom the measuring instrument. (RR)

Telephony. A form of telecommuniation set up for the transmission of peech or, in some cases, other ounds.[4] (RR)

Television. A form of telecommunication for the transmission of transient images of fixed or moving objects. (RR)

Terrestrial Radiocommunication. Any radiocommunication other than space radiocommunication or radio astronomy. (RR)

Terrestrial Station. A station effecting terrestrial radiocommunication.

NOTE: In these [international Radio] Regulations, unless otherwise stated, any station is a terrestrial station. (RR)

Time Hopping Systems. A time hopping system is a spread spectrum system in which the period and duty cycle of a pulsed RF carrier are varied in a pseudorandom manner under the control of a coded sequence. Time hopping is often used effectively with frequency hopping to form a hybrid time-division, multiple-access (TDMA) spread spectrum system.

Transponder. A transmitter-receiver facility the function of which is to transmit signals automatically when the proper interrogation is received. (FCC)

Tropospheric Scatter. The propagation of radio waves by scattering as a result of irregularities or discontinuities in the physical properties of the troposphere (RR)

Unwanted Emissions. Consist of spurious emissions and out-of-band emissions. (RR)

[49 FR 2368, June 19, 1984, as amended at 50 FR 25239, June 18, 1985; 51 FR 37399, Oct. 22, 1986; 52 FR 7417, Mar. 11, 1987; 54 FR 49980, Dec. 4, 1990; 55 FR 28761, July 13, 1990]

Subpart B—Allocation, Assignment, and Use of Radio Frequencies

SOURCE: 49 FR 2373, Jan. 19, 1984, unless otherwise noted.

§ 2.100 International regulations in force.

The international *Radio Regulations* (Geneva, 1982), became effective internationally on 1 January 1982, and nationally on September 6, 1983. They are incorporated to the extent practicable in this part.

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[4] (See footnote under Harmful Interfernce)

§ 2.101 Nomenclature of frequencies.

Band No.	Frequency subdivision	Frequency range
4	VLF (very low frequency)	Below 30 kHz
5	LF (low frequency)	30 to 300 kHz
6	MF (medium frequency)	300 to 3000 kHz
7	HF (high frequency)	3 to 30 MHz
8	VHF (very high frequency)	30 to 300 MHz
9	UHF (ultra high frequency)	300 to 3000 MHz
10	SHF (super high frequency)	3 to 30 GHz
11	EHF (extremely high frequency)	30 to 300 GHz
12		300 to 3000 GHz

§ 2.102 Assignment of frequencies.

(a) Except as otherwise provided in this section, the assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 9 kHz and 400 GHz, and the actual use of such frequencies for radiocommunication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the Table of Frequency Allocations in § 2.106.

(b) On the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations the following exceptions to paragraph (a) of this section may be authorized:

(1) In individual cases the Commission may, without rule making proceedings, authorize on a temporary basis only, the use of frequencies not in accordance with the Table of Frequency Allocations for projects of short duration or emergencies where the Commission finds that important or exceptional circumstances require such utilization. Such authorizations are not intended to develop a service to be operated on frequencies other than those allocated such service.

(2) A station for the development of techniques or equipment to be employed by services set forth in column 5 of the Table of Frequency Allocations may be authorized the use of frequencies allocated to those services or classes of stations.

(3) Experimental stations pursuant to Part 5, may be authorized the use of any frequency or frequency band not exclusively allocated to the passive services (including the Radio Astronomy Service).

(4) In the event a band is reallocated so as to delete its availability for use by a particular service, the Commission may provide for the further interim use of the band by stations in that service for a temporary, specific period of time.

(c) Non-Government stations may be authorized to use Government frequencies in the bands above 25 MHz if the Commission finds, after consultations with the appropriate Government agency or agencies, that such use is necessary for coordination of Government and non-Government activities: Provided, however, that:

(1) Non-Government operation on Government frequencies shall conform with the conditions agreed upon by the Commission and the National Telecommunications and Information Administration (NTIA) (the more important of which are contained in paragraphs (c) (2), (3), and (4) of this section);

(2) Such operations shall be in accordance with NTIA rules governing the service to which the frequencies involved are allocated;

(3) Such operations shall not cause harmful interference to Government stations and, should harmful interference result, that the interfering non-Government operation shall immediately terminate; and

(4) Non-Government operation has been certified as necessary by the Government agency involved and this certification has been furnished, in writing, to the non-Government licensee with which communication is required.

(d) Aircraft stations may communicate with stations of the maritime mobile service. They shall then conform to those provisions of the international *Radio Regulations* which relate to the maritime mobile service. For this purpose aircraft stations should use the frequencies allocated to the maritime mobile service. However, having regard to interference which may be caused by aircraft stations at high altitudes, maritime mobile frequencies in the bands above 30 MHz shall not be used by aircraft stations in any specific area without the prior agreement of all administrations of the area in which interference is likely to be caused. In particular, aircraft stations operating in Region 1 should not use frequencies in the bands above 30 MHz allocated to the maritime mobile service by virtue of any agreement between administrations in that Region.

(e) Non-Government services operating on frequencies in the band 25-50 MHz must recognize that it is shared with various services of other countries; that harmful interference may be caused by skywave signals received from distant stations of all services of the United States and other countries radiating power on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

(f) The stations of a service shall use frequencies so separated from the limits of a band allocated to that service as not to cause harmful interference to allocated services in immediately adjoining frequency bands.

(g) In the bands above 25 MHz which are allocated to the non-Government land mobile service, fixed stations may be authorized on the following conditions:

(1) That such stations are authorized in the service shown in Column 5 of the Table of Frequency Allocations in the band in question;

(2) That harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

(h) Special provisions regarding the use of spectrum allocated to the fixed and land mobile services below 25 MHz by non-Government stations.

(1) Only in the following circumstances will authority be extended to stations in the fixed service to operate on frequencies below 25 MHz.

(i) With respect to aeronautical fixed stations, only when a showing can be made that more suitable facilities are not available.

(ii) With respect to fixed stations, except aeronautical fixed stations, only to:

(A) Provide communication circuits in emergency and/or disaster situations, where safety of life and property are concerned;

(B) Provide standby and/or backup facilities to satellite and cable circuits used for international public correspondence;

(C) Provide standby and/or backup communications circuits to regular domestic communication circuits which have been disrupted by disasters and/or emergencies;

(D) Provide communication circuits wholly within the State of Alaska and the United States insular areas in the Pacific; and

(E) Provide communication circuits to support operations which are highly important to the national interest and where other means of telecommunication are unavailable.

(2) Only in the following circumstances will authority be extended to stations in the land mobile service to operate below 25 MHz.

(i) Provide communication circuits in emergency and/or disaster situations, where safety of life and property are concerned;

(ii) Provide standby and/or backup communications circuits to regular domestic communication circuits which have been disrupted by disasters and/or emergencies;

(iii) Provide communication circuits wholly within the State of Alaska and the United States insular areas in the Pacific; and

(iv) Provide communication circuits to support operations which are highly important to the national interest and where other means of telecommunication are unavailable.

(3) Except in the State of Alaska and the United States Pacific insular areas, the Commission does not intend to seek international protection for assignments made pursuant to paragraphs (h) (1)(ii) and (2) of this section; this results in the following constraints upon the circuits/assignments.

(i) The Commission will not accept responsibility for protection of the circuits from harmful interference caused by foreign operations.

(ii) In the event that a complaint of harmful interference resulting from operation of these circuits is received from a foreign source, the offending circuit(s) must cease operation on the particular frequency concerned.

(iii) In order to accommodate the situations described in paragraphs (h)(3)(i) and (ii) of this section, equipments shall be capable of transmitting and receiving on any frequency in the bands assigned to the particular operation and capable of immediate change among the frequencies.

§ 2.103 Government use of non-Government frequencies.

Government stations may be authorized to use non-Government frequencies in the bands above 25 MHz if the Commission finds that such use is necessary for coordination of Government and non-Government actitivies: Provided, however, That:

(a) Government operation on non-Government frequencies shall conform with the conditions agreed upon by the Commission and the National Telecommunications and Information Administration (the more important of which are contained in paragraphs (b), (c), and (d) of this section);

(b) Such operations shall be in accordance with Commission rules governing the service to which the frequencies involved are allocated;

(c) Such operations shall not cause harmful interference to non-Government stations and, should harmful interference result, that the interfering Government operation shall immediately terminate; and

(d) Government operation has been certified as necessary by the non-Government licensees involved and this certification has been furnished, in writing, to the Government agency with which communication is required.

§ 2.104 International Table of Frequency Allocations.

(a) The International Table of Frequency Allocations (columns 1, 2 and 3 of § 2.106) is included for international purposes only.

(b) *Regions.* To facilitate the international allocating of the radio spectrum, the International Telecommunication Union (ITU) has divided the world into three Regions [1] as shown in Figure 1 and described below:

(1) Region 1 includes the area limited on the East by line A (lines A, B and C are defined below) and on the West by line B, excluding any of the territory of Iran which lies between these limits. It also includes that part of the territory of Turkey and the Union of Soviet Socialist Republics (U.S.S.R.) lying outside of these limits, the territory of the Mongolian Peoples' Republic, and the area to the North of the U.S.S.R. which lies between lines A and C.

(2) Region 2 includes the area limited on the East by line B and the West by line C.

(3) Region 3 includes the area limited on the East by line C and on the West by line A, except the territories of the Mongolian Peoples' Republic, Turkey, the territory of the U.S.S.R. and the area to the North of the U.S.S.R. It also includes that part of the territory of Iran lying outside of those limits.

(4) The lines A, B and C are defined as follows:

(i) Line A extends from the North Pole along meridian 40° West of Greenwich to parallel 40° North; thence by great circle arc to the intersection of meridian 60° East and the Tropic of Cancer; thence along the meridian 60° East to the South Pole.

(ii) Line B extends from the North Pole along meridian 10° West of Greenwich to its intersection with parallel 72° North; thence by great circle arc to the intersection of meridian 50° West and parallel 40° North; thence by great circle arc to the intersection of meridian 20° West and to the South Pole.

(iii) Line C extends from the North Pole by great circle arc to the intersection of parallel 65°30′ North of the international boundary in Bering

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[1] It should be noted that where the words "region" or "regional" are without a capital "R", they do not relate to the three Regions here defined for purpose of frequency allocation.

Strait; thence by great circle arc to the intersection of meridian 165° East of Greenwich and parallel 50° North; thence by great circle arc to the intersection of meridian 170° West and parallel 10° North; thence along parallel 10° North to its intersection with meridian 120° West; thence along meridian 120° West to the South Pole.

(c) *Areas.* To further assist in the international allocation of the radio spectrum, the ITU has established several special geographical areas and they are defined below.

(1) The "African Broadcasting Area" consists of:

(i) African countries, parts of countries, territories and groups of territories situated between the parallels 40° South and 30° North;

(ii) Islands in the Indian Ocean west of meridian 60° East of Greenwich, situated between the parallel 40° South and the great circle arc joining the points 45° East, 11°30′ North and 60° East, 15° North; and

(iii) Islands in the Atlantic Ocean east of Line B, situated between the parallel 40° South and 30° North.

(2) The "European Broadcasting Area" is bounded on the West by the western boundary of Region 1, on the East by the meridian 40° East of Greenwich and on the South by the parallel 30° North so as to include the western part of the U.S.S.R., the northern part of Saudi Arabia and hat part of those countries bordering he Mediterranean within these limits. n addition, Iraq and Jordan are inluded in the European Broadcasting Area.

(3) The "European Maritime Area" s bounded to the north by a line exending along parallel 72° North from ts intersection with meridian 55° East f Greenwich to its intersection with meridian 5° West, then along meridian ° West to its intersection with paralel 67° North, thence along parallel 67° orth to its intersection with meridian 2° West; to the west by a line extendng along meridian 32° West to its ntersection with parallel 30° North; to he south by a line extending along arallel 30° North to its intersection ith meridian 43° East; to the east by line extending along meridian 43° ast to its intersection with parallel 60° North, thence along parallel 60° North to its intersection with meridian 55° East and thence along meridian 55° East to its intersection with parallel 72° North.

(4) The "Tropical Zone" (see Figure 1) is defined as:

(i) The whole of that area in Region 2 between the Tropics of Cancer and Capricorn;

(ii) The whole of that area in Region 1 and 3 contained between the parallel 30° North and 35° South with the addition of:

(iii) The area contained between the meridian 40° East and 80° East of Greenwich and the parallels 30° North and 40° and

(iv) That part of Libya North of parallel 30° North.

(v) In Region 2, the Tropical Zone may be extended to parallel 33° North, subject to special agreements between the countries concerned in that Region.

(5) A sub-Region is an area consisting of two or more countries in the same Region.

(d) *Categories of service.* (1) Any segment of the radio spectrum can be allocated to one or more radio services [2] either on a worldwide or Regional basis. In the case where an allocation has been made to more than one service, such services are listed in the following order:

(i) Services the names of which are printed in "capitals" [example: FIXED]; these are called "primary" services;

(ii) Services, the names of which are printed in "capitals" between oblique strokes [example: /RADIOLOCATION/]; these are called "permitted" services;

(iii) Services, the names of which are printed in "normal characters" [example: Mobile]; these are called "secondary" services.

(2) Additional remarks pertaining to an allocation are printed in "normal characters" [example: MOBILE except aeronautical mobile].

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[2] Definitions of the various radio services used in columns 1 through 3 of § 2.106 are contained in § 2.1.

(3) Permitted and primary services have equal rights, except that, in the preparation of frequency plans, the primary services, as compared with the permitted services, shall have prior choice of frequencies.

(4) *Stations of a secondary service:*

(i) Shall not cause harmful interference to stations of primary or permitted services to which frequencies are already assigned or to which frequencies may be assigned at a later date;

(ii) Cannot claim protection from harmful interference from stations of a primary or permitted service to which frequencies are already assigned or may be assigned at a later date;

(iii) Can claim protection, however, from harmful interference from stations of the same or other secondary service(s) to which frequencies may be assigned at a later date.

(5) Where a band is indicated in a footnote of the International Table (i.e., columns 1, 2, and 3 of § 2.106) as allocated to a service "on a secondary basis" in an area smaller than a Region, or in a particular country, this is a secondary service.

(6) Where a band is indicated in a footnote of the International Table as allocated to a service "on a primary basis", or "on a permitted basis" in an area smaller than a Region, or in a particular country, this is a primary service or a permitted service only in that area country.

(e) *Additional allocations.* (1) Where a band is indicated in a footnote of the International Table as "also allocated" to a service in an area smaller than a Region, or in a particular country, this is an "additional" allocation, i.e., an allocation which is added in this country area or in this country to the service or services which are indicated in the International Table.

(2) If the footnote does not include any restriction on the service or services concerned apart from the restriction to operate only in a particular area or country, stations of this service or these services shall have equality of right to operate with stations of the other primary service or services indicated in the International Table.

(3) If restrictions are imposed on an additional allocation in addition to the restriction to operate only in a particular area or country, this is indicated in the footnote of the International Table.

(f) *Alternative allocations.* (1) Where a band is indicated in a footnote of the International Table as "allocated" to one or more services in an area smaller than a Region, or in a particular country, this is an "alternative" allocation, i.e., an allocation which replaces, in this area or in this country, the allocations indicated in the International Table.

(2) If the footnote does not include any restriction on stations of the service or services concerned, apart from the restriction to operate only in a particular area or country, these stations of such a service or services shall have an equality of right to operate with stations of the primary service or services, shall have an equality of right to operate with stations of the primary service or services, indicated in the International Table, to which the band is allocated in other areas or countries.

(3) If restrictions are imposed on stations of a service to which an alternative allocation is made, in addition to the restriction to operate only in a particular country or area, this is indicated in the footnote.

(g) *Miscellaneous provision.* (1) Where it is indicated that a service may operate in a specific frequency band subject to not causing harmful interference, this means also that this service cannot claim protection from harmful interference caused by other services to which the band is allocated under Chapter III of the international *Radio Regulations.*

(2) Except if otherwise specified in a footnote, the term "fixed service" does not include systems using ionospheric scatter propagation.

(h) *Format of the International Table.* (1) The heading of the International Table includes three columns (columns number 1, 2 and 3 of § 2.106), each of which corresponds to one of the Regions. Where an allocation occupies the whole of the width of the Table or only two of the three columns, this is a world-wide allocation or a Regional allocation, respectively.

(2) The frequency band referred to in each allocation is indicated in the

left-hand top corner of the part of the Table concerned.

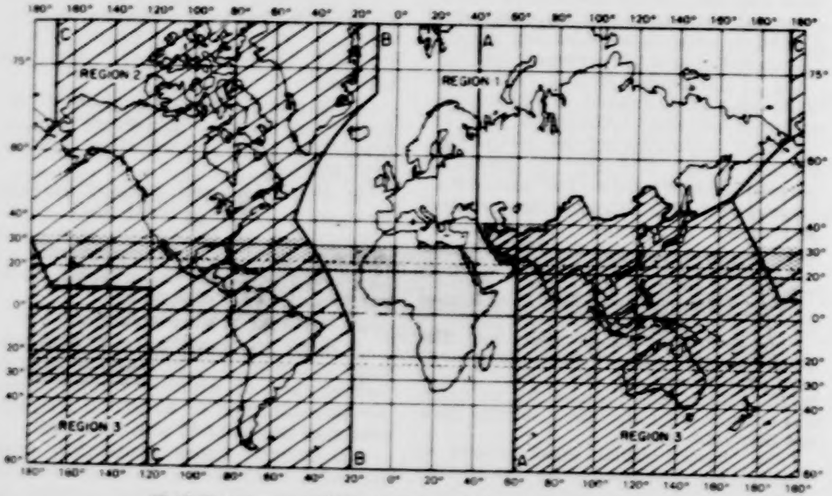
(3) Within each of the categories specified in paragraph (c)(1) of this section, services are listed in alphabetical order according to the French language.[3] The order of listing does not indicate relative priority within each category.

(4) In the case where there is a parenthetical addition to an allocation in the International Table [example: FIXED-SATELLITE (space-to-earth)], that service allocation is restricted to the type of operation so indicated.

(5) The footnote references which appear in the International Table below the allocated service or services apply to the whole of the allocation concerned.

(6) The footnote references which appear to the right of the name of a service are applicable only to that particular service.

(7) In certain cases, the names of countries appearing in the footnotes have been simplified in order to shorten the text.



The shaded part represents the Tropical Zone as defined in Nos. [illegible] to 410 and 411

FIGURE 1. CHART OF THE INTERNATIONAL REGIONS AND ZONES AS DEFINED IN THE INTERNATIONAL TABLE OF FREQUENCY ALLOCATIONS. [NOTE: THE SHADED PART REPRESENTS THE TROPICAL ZONE AS DEFINED BY § 2.104(b)(4).]

[49 FR 2373, Jan. 19, 1984, as amended at 54 FR 49981, Dec. 4, 1989]

§ 2.105 United States Table of Frequency Allocations.

(a) The United States Table of Frequency Allocations (columns 4 through 7 of § 2.106) is based on the

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[3] French is used to keep this table consistent with the International Table as published by ITU.

International plan for Region 2 because the relevant area of jurisdiction is located primarily in Region 2 [1] (i.e., the 50 States, the District of Columbia, the Caribbean insular areas [2] and some of the Pacific insular areas [3]).[4] Because there is a need to provide radio spectrum for both Federal government and non-Federal government operations, the United States Table is divided into the Government Table of Frequency Allocation and the Non-Government Table of Frequency Allocations. The Government plan, as shown in column 4 of § 2.106, is administered by the National Telecommunications and Information Administration (NTIA) [5], whereas the non-Government plan, as shown in column 5 of § 2.106, is administered by the Federal Communications Commission (FCC) [6]

(b) In the United States, radio spectrum may be allocated to either Government or non-Government use exclusively, or for shared use. In the case of shared use, the type of service(s) permitted need not be the same [e.g., Government FIXED, non-Government MOBILE]. The terms used to designate categories of service [7] in columns 4 and 5 of § 2.106, correspond to the terms employed by the International Telecommunication Union (ITU) in the international *Radio Regulations*.

(c) *Categories of services.* (1) Any segment of the radio spectrum may be allocated to the Government and/or non-Government sectors either on an exclusive or shared basis for use by one or more radio services. In the case where an allocation has been made to more than one service, such services are listed in the following order:

(i) Services, the names of which are printed in "capitals" [example: FIXED]; these are called "primary" services;

(ii) Services, the names of which are printed in capitals between oblique strokes [example: /RADIOLOCATION/]; these are called "permitted services";

(iii) Services, the names of which are printed in "normal characters" [example: Mobile]; these are called "secondary" services.

(2) Permitted and primary services have equal rights, except that, in the preparation of frequency plans, the primary services, as compared with the permitted services, shall have prior choice of frequencies.

(3) Stations of a secondary service:

(i) Shall not cause harmful interference to stations of primary or permitted services to which frequencies are already assigned or to which frequencies may be assigned at a later date.

(ii) Cannot claim protection from harmful interference from stations of a primary or permitted service to which frequencies are already assigned or may be assigned at a later date; and

(iii) Can claim protection, however, from harmful interference from stations of the same or other secondary service(s) to which frequencies may be assigned at a later date.

(d) *Format of the United States Table.* (1) The frequency band referred to in each allocation, column 4 for Government and column 5 for non-Government, is indicated in the left-hand top corner of the column. If there is no service or footnote indicated for a band of frequencies in either column 4 or 5, then the Government or the non-Government sector, respectively, has no access to that band except as provided for by §2.102.

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[1] See § 2.104(a)(1) for definition of Region 2.

[2] The Caribbean insular areas are: The Commonwealth of Puerto Rico; the unincorporated territory of the United States Virgin Islands; and Navassa Island, Quita Sueno Bank, Roncador Bank, serrana Bank and Serranilla Bank.

[3] The Pacific insular areas located in Region 2 are: Johnston Island and Midway Island.

[4] The operation of stations in the Pacific insular areas located in Region 3 are generally governed by the International plan for Region 3 (i.e., column 3 of § 2.106). The Pacific insular areas located in Region 3 are: the Commonwealth of the Northern Mariana Islands; the unincorporated territory of American Samoa; the unincorporated territory of Guam; and Baker Island, Howland Island, Jarvis Island, Kingman Reef, Palmyra Island and Wake Island.

[5] Section 305(a) of the Communications Act of 1934, as amended; Executive Order 12046 (26 March 1978) and Department of Commerce Organization Order 10-10 (9 May 1979).

[6] The Communiations Act of 1934, as amended.

[7] Definitions of the various radio services used are contained in § 2.1.

(2) The Government allocation plan, given in column 4, is included for informational purposes only.

(3) In the case where there is a parenthetical addition to an allocation in the United States Table [example: FIXED-SATELLITE (space-to-earth)], that service allocation is restricted to the type of operation so indicated.

(4) The following symbols are used to designate footnotes in the United States Table:

(i) Any footnote not prefixed by a letter, denotes an international footnote. Where such a footnote is applicable, without modification, to the United States Table, the symbol appears in the United States Table (column 4 or 5) and denotes a stipulation affecting both the Government and non-Government plans.

(ii) Any footnote consisting of the letters US followed by one or more digits, e.g., US, denotes a stipulation affecting both the Government and non-Government plans.

(iii) Any footnote consisting of the letters NG followed by one or more digits, e.g., NG1, denotes a stipulation applicable only to the non-Government plan (column 5).

(iv) Any footnote consisting of the letter G following by one or more digits, e.g., G1, denotes a stipulation applicable only to the Government plan (column 4).

(5) Column 6 provides a reference to indicate which Rule part(s) (e.g., Private Land Mobile Radio Services, Domestic Public Land Mobile Radio Services, etc.) are given assignments within the allocation plan specified in column 5 for any given band of frequencies. The exact use that can be made of any given frequency or frequencies (e.g., channelling plans, allowable emissions, etc.) is given in the Rule part(s) so indicated. The Rule parts in this column are not allocations. They are provided for informational purposes only.

(6) Column 7 is used to denote certain frequencies which have national and/or international significance.

[49 FR 2373, Jan. 19, 1984, as amended at 49 FR 44101, Nov. 2, 1984]

§ 2.106 Table of Frequency Allocations.

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1—allocation kHz (1)	Region 2—allocation kHz (2)	Region 3—allocation kHz (3)	Allocation kHz (4)	Allocation kHz (5)	Rule part(s) (6)	Special-use frequencies (7)
Below 9	(Not allocated). 444 445		Below 9. (Not allocated). 444 445	Below 9. (Not allocated). 444 445		
9–14	RADIONAVIGATION.		9–14 RADIONAVIGATION. US18 US294	9–14 RADIONAVIGATION. US18 US294		
14–19.95	FIXED. MARITIME MOBILE 448 446 447		14–19.95 FIXED. MARITIME MOBILE. 448 US294	14–19.95 Fixed. 448 US294	INTERNATIONAL FIXED PUBLIC (23).	
19.95–20.05	STANDARD FREQUENCY AND TIME SIGNAL (20 kHz).		19.95–20.05 STANDARD FREQUENCY AND TIME SIGNAL. US294	19.95–20.05 STANDARD FREQUENCY AND TIME SIGNAL. US294		20 kHz Standard Frequency.
20.05–70	FIXED. MARITIME MOBILE 448 447 449		20.05–59 FIXED. MARITIME MOBILE. 446 US294	20.05–59 FIXED. 448 US294	INTERNATIONAL FIXED PUBLIC (23).	
			59–61 STANDARD FREQUENCY AND TIME SIGNAL. US294	59–61 STANDARD FREQUENCY AND TIME SIGNAL. US294		60kHz Standard Frequency.

			61-70 FIXED. MARITIME MOBILE. 448 US294	61-70 FIXED. 448 US294	INTERNATIONAL FIXED PUBLIC (23).	
70-72 RADIONAVIGATION 451	70-90 FIXED. MARITIME MOBILE 448 MARITIME RADIONAVIGATION 451 Radiolocation. 452 452	70-72 RADIONAVIGATION 451 Fixed. Maritime Mobile 448. 450	70-90 FIXED. MARITIME MOBILE. Radiolocation. US288 US294	70-90 FIXED. Radiolocation. US288 US294	INTERNATIONAL FIXED PUBLIC (23). Private Land Mobile (90).	
72-84 FIXED. MARITIME MOBILE 448 RADIONAVIGATION 451 447		72-84 FIXED. MARITIME MOBILE 448 RADIONAVIGATION 451				
84-86 RADIONAVIGATION 451		84-86 RADIONAVIGATION 451 Fixed. Maritime Mobile 448 450				
86-90 FIXED. MARITIME MOBILE 448 RADIONAVIGATION 447		86-90 FIXED. MARITIME MOBILE 448 RADIONAVIGATION 451	448 451 US294	448 451 US294		
90-110	RADIONAVIGATION 453 Fixed. 453A 454		90-110 RADIONAVIGATION 453 US18 US104 US294	90-110 RADIONAVIGATION 453 US18 US104 US294	Private Land Mobile (90).	

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Allocation kHz	Allocation kHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
110-112 FIXED. MARITIME MOBILE. RADIONAVIGATION. 454	110-130 FIXED. MARITIME MOBILE. MARITIME RADIONAVIGATION 451 Radiolocation. 452 454	110-112 FIXED. MARITIME MOBILE. RADIONAVIGATION 451 454	110-130 FIXED. MARITIME MOBILE. Radiolocation. 454 US294	110-130 FIXED. MARITIME MOBILE. Radiolocation. 454 US294	INTERNATIONAL FIXED PUBLIC (23). MARITIME (80). Private Land Mobile (90).	
112-115 RADIONAVIGATION 451		112-117.6 RADIONAVIGATION 451 Fixed. Maritime Mobile. 454 455				
115-117.6 RADIONAVIGATION 451 Fixed. Maritime Mobile. 454 456						
117.6-126.0 FIXED. MARITIME MOBILE. RADIONAVIGATION 451 454		117.6-126.0 FIXED. MARITIME MOBILE. RADIONAVIGATION 451 454				
126-129 RADIONAVIGATION 451		126-129 RADIONAVIGATION 451 Fixed. Maritime Mobile. 454 455				

129–130 FIXED. MARITIME MOBILE. RADIONAVIGATION 451 454		129–130 FIXED. MARITIME MOBILE. RADIONAVIGATION 451 454	451 454 US294	451 454 US294		
130–148.5 MARITIME MOBILE. /FIXED/. 454 457	130–160 FIXED. MARITIME MOBILE. 454	130–160 FIXED. MARITIME MOBILE. RADIONAVIGATION. 454	130–160 FIXED. MARITIME MOBILE. 454 US294	130–160 FIXED. MARITIME MOBILE. 454 US294	INTERNATIONAL FIXED PUBLIC (23). MARITIME (80).	
148.5–255 BROADCASTING 460 461 462	160–190 FIXED. 459	160–190 FIXED. Aeronautical Radionavigation.	160–190 FIXED. MARITIME MOBILE. 459 US294	160–190 FIXED. 459 US294	INTERNATIONAL FIXED PUBLIC (23). MARITIME (80).	
	190–200 AERONAUTICAL RADIONAVIGATION.		190–200 AERONAUTICAL RADIONAVIGATION. US18 US226 US294	190–200 AERONAUTICAL RADIONAVIGATION. US18 US226 US294		
	200–275 AERONAUTICAL RADIONAVIGATION. Aeronautical Mobile.	200–285 AERONAUTICAL RADIONAVIGATION. Aeronautical Mobile.	200–275 AERONAUTICAL RADIONAVIGATION. Aeronautical Mobile. US18 US294	200–275 AERONAUTICAL RADIONAVIGATION. Aeronautical Mobile. US18 US294	AVIATION (87).	
255–283.5 BROADCASTING. /AERONAUTICAL RADIONAVIGATION/ 463 462 464 464A	275–285 AERONAUTICAL RADIONAVIGATION. Aeronautical Mobile. Maritime Radionavigation (radiobeacons).		275–285 AERONAUTICAL RADIONAVIGATION. Aeronautical Mobile. Maritime Radionavigation (radiobeacons). US18 US294	275–285 AERONAUTICAL RADIONAVIGATION. Aeronautical Mobile. Maritime Radionavigation (radiobeacons). US18 US294		
283.5–315						

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1—allocation kHz (1)	Region 2—allocation kHz (2)	Region 3—allocation kHz (3)	Allocation kHz (4)	Allocation kHz (5)	Rule part(s) (6)	Special-use frequencies (7)
MARITIME RADIONAVIGATION (radiobeacons) 466 /AERONAUTICAL RADIONAVIGATION/ 464A 465 466A	285–315 MARITIME RADIONAVIGATION (radiobeacons) 466 /AERONAUTICAL RADIONAVIGATION/		285–325 MARITIME RADIONAVIGATION (radiobeacons) 466 Aeronautical Radionavigation (radiobeacons). US18 US294	285–325 MARITIME RADIONAVIGATION (radiobeacons) 466 Aeronautical Radionavigation (radiobeacons). US18 US294	AVIATION (87).	
315–325 AERONAUTICAL RADIONAVIGATION. Maritime Radionavigation (radiobeacons) 466 465 467	315–325 MARITIME RADIONAVIGATION (radiobeacons) 466 Aeronautical Radionavigation.	315–325 AERONAUTICAL RADIONAVIGATION. MARITIME RADIONAVIGATION (radiobeacons) 466				
325–405 AERONAUTICAL RADIONAVIGATION. 465	325–335 AERONAUTICAL RADIONAVIGATION. Aeronautical Mobile. Maritime Radionavigation (radiobeacons).	325–405 AERONAUTICAL RADIONAVIGATION. Aeronautical Mobile.	325–335 AERONAUTICAL RADIONAVIGATION (radiobeacons). Aeronautical Mobile. Maritime Radionavigation (radiobeacons). US18 US294	325–335 AERONAUTICAL RADIONAVIGATION (radiobeacons). Aeronautical Mobile. Maritime Radionavigation (radiobeacons). US18 US294	AVIATION (87).	
	335–405 AERONAUTICAL RADIONAVIGATION. Aeronautical Mobile.		335–405 AERONAUTICAL RADIONAVIGATION (radiobeacons). Aeronautical Mobile. US18 US294	335–405 AERONAUTICAL RADIONAVIGATION (radiobeacons). Aeronautical Mobile. US18 US294	AVIATION (87).	

405–415 RADIONAVIGATION 466 485	405–415 RADIONAVIGATION 468 Aeronautical Mobile.		405–415 RADIONAVIGATION 468 Aeronautical Mobile. US18 US294	405–415 RADIONAVIGATION 468 Aeronautical Mobile. US18 US294	AVIATION (87).	
415–435 AERONAUTICAL RADIONAVIGATION. /MARITIME MOBILE/ 470 485	415–495 MARITIME MOBILE 470 AERONAUTICAL RADIONAVIGATION 470A 489 489A 471 472A	415–435 MARITIME MOBILE 470 AERONAUTICAL RADIONAVIGATION. 470A 489 489A 471 472A	415–435 AERONAUTICAL RADIONAVIGATION. MARITIME MOBILE 470 489A US294	415–435 AERONAUTICAL RADIONAVIGATION. MARITIME MOBILE. 470 489A US294	AVIATION (87) MARITIME (80)	
435–495 MARITIME MOBILE 470 Aeronautical Radionavigation. 485 471 472A			435–495 MARITIME MOBILE 470 AERONAUTICAL RADIONAVIGATION. 471 US231 472A US294	435–495 MARITIME MOBILE 470 471 472A US231 US294	MARITIME (80).	
495–505	MOBILE (distress and calling). 472		495–505 MOBILE (distress and calling) 472	495–505 MOBILE (distress and calling) 472	MARITIME (80).	500 kHz: Distress and calling frequency.
505–526.5 MARITIME MOBILE 470 /AERONAUTICAL RADIONAVIGATION/ 485 471 474 475 476	505–510 MARITIME MOBILE 470 471	505–526.5 MARITIME MOBILE 470 474 /AERONAUTICAL RADIONAVIGATION/ Aeronautical Mobile Land Mobile. 471	505–510 MARITIME MOBILE 470 471	505–510 MARITIME MOBILE 470 471	MARITIME (80).	
	510–525 MOBILE. 474 AERONAUTICAL RADIONAVIGATION.		510–525 AERONAUTICAL RADIONAVIGATION (radiobeacons). MARITIME MOBILE (Ships only). 474 US14 US18 US225	510–525 AERONAUTICAL RADIONAVIGATION (radiobeacons). MARITIME MOBILE (Ships only). 474 US14 US18 US225	AVIATION (87). MARITIME (80).	518 kHz is used for international NAVTEX in the Maritime Mobile Service.
	525–535		525–535	525–535		

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
526.5–1606.5 BROADCASTING	BROADCASTING 477 AERONAUTICAL RADIONAVIGATION	526.5–535 BROADCASTING Mobile 479	MOBILE AERONAUTICAL RADIONAVIGATION (radiobeacons) US18 US221 US239	MOBILE AERONAUTICAL RADIONAVIGATION (radiobeacons) US18 US221 US239	AVIATION (87) PRIVATE LAND MOBILE (90)	530 kHz: Travelers information.
	535–1605 BROADCASTING	535.0–1606.5 BROADCASTING	535–1605	535–1605 BROADCASTING NG 128	RADIO BROADCASTING (AM) (73)	
478	1605–1625		1605–1615	1605–1615		
1606.5–1625 MARITIME MOBILE 480A/FIXED/ /LAND MOBILE/ 483 484	BROADCASTING 480 480A 481	1606.5–1800 FIXED MOBILE RADIOLOCATION RADIONAVIGATION 482	MOBILE 480 US221	MOBILE 480 US221	AUXILIARY BROADCASTING (74) PRIVATE LAND MOBILE (90)	1610 kHz: Travelers information.
			1615–1625 480 US237	1615–1625 BROADCASTING 480 US237 US299	ALASKA FIXED (80) AUXILIARY BROADCASTING (74) Private Land Mobile (90)	
1625–1635 RADIOLOCATION 487 485 486	1625–1705 BROADCASTING 480 /FIXED/ /MOBILE/ Radiolocation 480A		1625–1705 Radiolocation 480 US238	1625–1705 BROADCASTING 480 Radiolocation US238 US299	ALASKA FIXED (80) AUXILIARY BROADCASTING (74) Private Land Mobile (90)	

MARITIME MOBILE /FIXED/. /LAND MOBILE/. 480A 483 484 488	1705-1800 FIXED. MOBILE. RADIOLOCATION. AERONAUTICAL RADIONAVIGATION.		1705-1800 FIXED. MOBILE. RADIOLOCATION. US240	1705-1800 FIXED. MOBILE. RADIOLOCATION. US240	DISASTER (99). INTERNATIONAL FIXED PUBLIC (23). MARITIME (80). PRIVATE LAND MOBILE (90).	
1800-1810 RADIOLOCATION 487 485 486	1800-1850 AMATEUR.	1800-2000 AMATEUR. FIXED. MOBILE except aeronautical mobile. RADIONAVIGATION. Radiolocation.	1800-1900	1800-1900 AMATEUR.	AMATEUR (97).	
1810-1850 AMATEUR. 490 491 492 493						
1850-2000 FIXED. MOBILE except aeronautical mobile.	1850-2000 AMATEUR. FIXED. MOBILE except aeronautical mobile. RADIOLOCATION. RADIONAVIGATION. 494					
484 488 495		489	1900-2000 RADIOLOCATION. US290	1900-2000 RADIOLOCATION. US290	PRIVATE LAND MOBILE (90). Amateur (97).	
2000-2025 FIXED. MOBILE except aeronautical mobile (R). 484 495	2000-2065 FIXED. MOBILE.		2000-2065 FIXED. MOBILE.	2000-2065 MARITIME MOBILE.	MARITIME (80).	

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
2025-2045 **FIXED.** **MOBILE except aeronautical mobile (R).** **Meteorological Aids 496** **484 495**				NG19		
2045-2160 **MARITIME MOBILE.** **/FIXED/.** **/LAND MOBILE/.** **483 484**	2065-2107 MARITIME MOBILE 497 498		2065-2107 MARITIME MOBILE 497	2065-2107 MARITIME MOBILE 497	MARITIME (80)	
2160-2170 **RADIOLOCATION 487** **485 486 499**	2107-2170 FIXED. MOBILE.		2107-2170 FIXED. MOBILE.	2107-2170 FIXED. MARITIME MOBILE. LAND MOBILE. NG19	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23). MARITIME (80). PRIVATE LAND MOBILE (90).	
2170.0-2173.5	MARITIME MOBILE.		2170-2173.5 MARITIME MOBILE.	2170-2173.5 MARITIME MOBILE.	MARITIME (80).	
2173.5-2190.5	MOBILE (distress and calling). 500 501 500A 500B	MOBILE (distress and calling). 500 501 500A 500B	2173.5-2190.5 MOBILE (distress and calling). 500 501 US279 500A 500B	2173.5-2190.5 MOBILE (distress and calling). 500 501 US279 500A 500B	AVIATION (87). MARITIME (80).	2 182 kHz: Distress and calling.
2190.5-2194.0			2190.5-2194	2190.5-2194		

	MARITIME MOBILE		MARITIME MOBILE	MARITIME MOBILE	MARITIME (80).	
2194-2300 FIXED. MOBILE except aeronautical mobile (R). 484 495 502	2194-2300 FIXED. MOBILE. 502		2194-2495 FIXED. MOBILE.	2194-2495 FIXED. LAND MOBILE. MARITIME MOBILE. NG19	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23). MARITIME (80). PRIVATE LAND MOBILE (90).	
2300-2498 FIXED. MOBILE except aeronautical mobile (R). BROADCASTING 503 495	2300-2495 FIXED. MOBILE. BROADCASTING 503.					
2498-2501 STANDARD FREQUENCY AND TIME SIGNAL (2500 kHz).	2495-2501 STANDARD FREQUENCY AND TIME SIGNAL (2500 kHz).		2495-2505 STANDARD FREQUENCY AND TIME SIGNAL. G106	2495-2505 STANDARD FREQUENCY AND TIME SIGNAL.		2500 kHz: Standard frequency.
2501-2502	STANDARD FREQUENCY AND TIME SIGNAL. Space Research.					
2502-2625 FIXED. MOBILE except aeronautical mobile (R).	2502-2505 STANDARD FREQUENCY AND TIME SIGNAL.					
	2505-2850 FIXED. MOBILE.		2505-2850 FIXED. MOBILE.	2505-2850 FIXED. LAND MOBILE. MARITIME MOBILE.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1—allocation kHz (1)	Region 2—allocation kHz (2)	Region 3—allocation kHz (3)	Allocation kHz (4)	Allocation kHz (5)	Rule part(s) (6)	Special-use frequencies (7)
484 495 504			US285	US285	MARITIME (80). PRIVATE LAND MOBILE (90).	
2625–2650 MARITIME MOBILE. MARITIME RADIO-NAVIGATION. 484						
2650–2850 FIXED. MOBILE except aeronautical mobile (R). 484 495						
2850–3025	AERONAUTICAL MOBILE (R). 501 505		2850–3025 AERONAUTICAL MOBILE (R). 501 505 US283	2850–3025 AERONAUTICAL MOBILE (R). 501 505 US283	AVIATION (87).	
3025–3155	AERONAUTICAL MOBILE (OR).		3025–3155 AERONAUTICAL MOBILE (OR).	3025–3155 AERONAUTICAL MOBILE (OR).		
3155–3200	FIXED. MOBILE except aeronautical mobile (R). 506 507		3155–3230 FIXED. MOBILE except aeronautical mobile (R).	3155–3230 FIXED. MOBILE except aeronautical mobile (R).	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23). MARITIME (80). PRIVATE LAND MOBILE (90).	
3200–3230						

	FIXED MOBILE except aeronautical mobile (R). BROADCASTING 503. 506					
3230-3400	FIXED. MOBILE except aeronautical mobile. BROADCASTING 503 506 508		3230-3400 FIXED. MOBILE except aeronautical mobile. Radiolocation.	3230-3400 FIXED. MOBILE except aeronautical mobile. Radiolocation.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23). MARITIME (80). PRIVATE LAND MOBILE (90).	
3400-3500	AERONAUTICAL MOBILE (R).		3400-3500 AERONAUTICAL MOBILE (R). US283	3400-3500 AERONAUTICAL MOBILE (R). US283	AVIATION (87).	
3500-3800 AMATEUR 510 FIXED. MOBILE except aeronautical mobile. 484	3500-3750 AMATEUR 510 509 511	3500-3900 AMATEUR 510 FIXED. MOBILE.	3500-4000 510	3500-4000 AMATEUR 510	AMATEUR (97).	
3800-3900 FIXED. AERONAUTICAL MOBILE (OR). LAND MOBILE.	3750-4000 AMATEUR 510 FIXED. MOBILE except aeronautical mobile (R). 511 512 514 515					
3900-3950 AERONAUTICAL MOBILE (OR). 513		3900-3950 AERONAUTICAL MOBILE. BROADCASTING.				
3950-4000		3950-4000				

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
FIXED. BROADCASTING.		FIXED. BROADCASTING. 516				
4000–4063	FIXED. MARITIME MOBILE 517 516		4000–4438 MARITIME MOBILE 520 US82 US212 US236	4000–4438 MARITIME MOBILE 520 US82 US212 US236	INTERNATIONAL FIXED PUBLIC (23). MARITIME (80).	
4063–4438	MARITIME MOBILE 520 518 519					
4438–4650 FIXED. MOBILE except aeronautical mobile (R).		4438–4650 FIXED. MOBILE except aeronautical mobile.	4438–4650 FIXED. MOBILE except aeronautical mobile (R).	4438–4650 FIXED. MOBILE except aeronautical mobile (R).	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23). MARITIME (80). PRIVATE LAND MOBILE (90).	
4650–4700	AERONAUTICAL MOBILE (R).		4650–4700 AERONAUTICAL MOBILE (R). US282 US283	4650–4700 AERONAUTICAL MOBILE (R). US282 US283	AVIATION (87).	
4700–4750	AERONAUTICAL MOBILE (OR).		4700–4750 AERONAUTICAL MOBILE (OR).	4700–4750 AERONAUTICAL MOBILE (OR).		
4750–4850 FIXED. AERONAUTICAL MOBILE (OR). LAND MOBILE. BROADCASTING 503	4750–4850 FIXED. MOBILE except aeronautical. BROADCASTING 503	4750–4850 FIXED. BROADCASTING 503 Land Mobile.	4750–4850 FIXED. MOBILE except aeronautical mobile.	4750–4850 FIXED. MOBILE except aeronautical mobile (R).	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23). MARITIME (80).	

4850-4995	FIXED. LAND MOBILE. BROADCASTING 503.		4850-4995 FIXED. MOBILE.	4850-4995 FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23). MARITIME (80).	
4995-5003	STANDARD FREQUENCY AND TIME SIGNAL (5000 kHz).		4995-5005 STANDARD FREQUENCY AND TIME SIGNAL.	4995-5005 STANDARD FREQUENCY AND TIME SIGNAL.		5000 kHz: Standard frequency.
5003-5005	STANDARD FREQUENCY AND TIME SIGNAL. Space Research.		G106			
5005-5060	FIXED. BROADCASTING 503		5005-5060 FIXED.	5005-5060 FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23). MARITIME (80). PRIVATE LAND MOBILE (90).	
5060-5250	FIXED. Mobile except aeronautical mobile. 521		5060-5450 FIXED. MOBILE except aeronautical mobile.	5060-5450 FIXED. MOBILE except aeronautical mobile.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23). MARITIME (80). PRIVATE LAND MOBILE (90).	
5250-5450	FIXED. MOBILE except aeronautical mobile.		US 212	US 212		
5450-5480 FIXED. AERONAUTICAL MOBILE (OR). LAND MOBILE.	5450-5480 AERONAUTICAL MOBILE (R).	5450-5480 FIXED. AERONAUTICAL MOBILE (OR). LAND MOBILE	5450-5680 AERONAUTICAL MOBILE (R).	5450-5680 AERONAUTICAL MOBILE (R).	AVIATION (87).	
5480-5680						

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Allocation kHz	Allocation kHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	AERONAUTICAL MOBILE (R). 501 505		501 505 US283	501 505 US283		
5680-5730	AERONAUTICAL MOBILE (OR). 501 505		5680-5730 AERONAUTICAL MOBILE (OR). 501 505	5680-5730 AERONAUTICAL MOBILE (OR). 501 505		
5730-5950 FIXED. LAND MOBILE.	5730-5950 FIXED. MOBILE except aeronautical mobile (R).	5730-5950 FIXED. MOBILE except aeronautical mobile (R).	5730-5950 FIXED. MOBILE except aeronautical mobile (R).	5730-5950 FIXED. MOBILE except aeronautical mobile (R).	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23). MARITIME (80).	
5950-6200	BROADCASTING.		5950-6200 BROADCASTING. US280	5950-6200 BROADCASTING. US280	RADIO BROADCAST (HF) (73).	
6200-6525	MARITIME MOBILE 523. 522		6200-6525 MARITIME MOBILE 523. 522 US82 US284	6200-6525 MARITIME MOBILE 523. 522 US82 US284	MARITIME (80).	
6525-6685	AERONAUTICAL MOBILE (R).		6525-6685 AERONAUTICAL MOBILE (R). US283	6525-6685 AERONAUTICAL MOBILE (R). US283	AVIATION (87).	
6685-6765	AERONAUTICAL MOBILE (OR).		6685-6765 AERONAUTICAL MOBILE (OR).	6685-6765 AERONAUTICAL MOBILE (OR).		
6765-7000			6765-7000	6765-7000		

	FIXED. Land Mobile 525 524		FIXED. Mobile. 524	FIXED. Mobile 524	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	6780 ± 15 kHz: industrial, scientific, and medical frequency.
7000-7100	AMATEUR 510 AMATEUR-SATELLITE. 526 527		7000-7300	7000-7100 AMATEUR 510 AMATEUR-SATELLITE.	AMATEUR (97).	
7100-7300 BROADCASTING.	7100-7300 AMATEUR 510 526	7100-7300 BROADCASTING.	510 526	7100-7300 AMATEUR 510 526	AMATEUR (97).	
7300-8100	FIXED. Land Mobile. 529		7300-8100 FIXED. Mobile.	7300-8100 FIXED. Mobile.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23). MARITIME (80). PRIVATE LAND MOBILE (90).	
8100-8195	FIXED. MARTIME MOBILE.		8100-8815 MARITIME MOBILE.	8100-8815 MARITIME mobile.	MARITIME (80).	
8195-8815	MARITIME MOBILE. 501		501 US82 US236 US241	501 US82 US236 US241		
8815-8965	AERONAUTICAL MOBILE (R).		8815-8965 AERONAUTICAL MOBILE (R).	8815-8965 AERONAUTICAL MOBILE (R).	Aviation (87).	
8965-9040	AERONAUTICAL MOBILE (OR).		8965-9040 AERONAUTICAL MOBILE (OR).	8965-9040 AERONAUTICAL MOBILE (OR).		
9040-9500	FIXED.		9040-9500 FIXED.	9040-9050 FIXED.	Aviation (87). INTERNATIONAL FIXED PUBLIC (23). MARITIME (80).	

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Allocation kHz	Allocation kHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
9500-9900	BROADCASTING. 530 531		9500-9900 BROADCASTING. US235	9500-9900 BROADCASTING. US235	RADIO BROADCAST (HF) (73). INTERNATIONAL FIXED PUBLIC (23).	
9900-9995	FIXED.		9900-9995 FIXED.	9900-9995 FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	
9995-10003	STANDARD FREQUENCY AND TIME SIGNAL (10000 kHz). 501		9995-10005 STANDARD FREQUENCY AND TIME SIGNAL. 501 G106	9995-10005 STANDARD FREQUENCY AND TIME SIGNAL. 501		10000 kHz: Standard frequency.
10003-10005	STANDARD FREQUENCY AND TIME SIGNAL. Space Research. 501					
10005-10100	AERONAUTICAL MOBILE (R). 501		10005-10100 AERONAUTICAL MOBILE (R). 501 US283	10005-10100 AERONAUTICAL MOBILE (R). 501 US283	AVIATION (87).	
10100-10150	FIXED. Amateur 510.		10100-10150 510 US247	10100-10150 AMATEUR 510. US247	AMATEUR (97).	

10150–11175	FIXED. MOBILE except aeronautical mobile (R).		10150–11175 FIXED. MOBILE except aeronautical mobile (R).	10150–11175 FIXED. MOBILE except aeronautical mobile (R).	10150–11175 AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	
11175–11275	AERONAUTICAL MOBILE (OR).		11175–11275 AERONAUTICAL MOBILE (OR).	11175–11275 AERONAUTICAL MOBILE (OR).		
11275–11400	AERONAUTICAL MOBILE (R).		11275–11400 AERONAUTICAL MOBILE (R). US283	11275–11400 AERONAUTICAL MOBILE (R). US283	AVIATION (87).	
11400–11650	FIXED.		11400–11650 FIXED.	11400–11650 FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	
11650–12050	BROADCASTING. 530 531		11650–12050 BROADCASTING. US235	11650–12050 BROADCASTING. US235	RADIO BROADCAST (HF) (73). INTERNATIONAL FIXED PUBLIC (23).	
12050–12230	FIXED.		12050–12230 FIXED.	12050–12230 FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	
12230–13200	MARITIME MOBILE. 532		12230–13200 MARITIME MOBILE. US82 US235	12230–13200 MARITIME MOBILE. US82 US235	INTERNATIONAL FIXED PUBLIC (23). MARITIME (80).	
13200–13260	AERONAUTICAL MOBILE (OR).		13200–13260 AERONAUTICAL MOBILE (OR).	13200–13260 AERONAUTICAL MOBILE (OR).		
13260–13360	AERONAUTICAL MOBILE (R).		13260–13360 AERONAUTICAL MOBILE (R).	13260–13360 AERONAUTICAL MOBILE (R).	AVIATION (87).	

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1—allocation kHz (1)	Region 2—allocation kHz (2)	Region 3—allocation kHz (3)	Allocation kHz (4)	Allocation kHz (5)	Rule part(s) (6)	Special-use frequencies (7)
			US283	US283		
13360–13410	FIXED. RADIO ASTRONOMY. 533		13360–13410 RADIO ASTRONOMY. 533 G115	13360–13410 RADIO ASTRONOMY. 533		
13410–13600	FIXED. Mobile except aeronautical mobile (R). 534		13410–13600 FIXED. Mobile except aeronautical mobile (R). 534	13410–13600 FIXED. 534	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	13560 ±7 kHz: industrial, scientific, and medical frequency.
13600–13800	BROADCASTING. 531		13600–13800 BROADCASTING. US235	13600–13800 BROADCASTING. US235	RADIO BROADCAST (HF) (73). INTERNATIONAL FIXED PUBLIC (23).	
13800–14000	FIXED. Mobile except aeronautical mobile (R).		13800–14000 FIXED. Mobile except aeronautical mobile (R).	13800–14000 FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	
14000–14250	AMATEUR 510 AMATEUR-SATELLITE.		14000–14350 510	14000–14250 AMATEUR 510 AMATEUR-SATELLITE.	AMATEUR (97).	
14250–14350	AMATEUR 510 535			14250–14350 AMATEUR 510	AMATEUR (97).	
14350–14990			14350–14990	14350–14990		

	FIXED. Mobile except aeronautical mobile (R).		FIXED. Mobile except aeronautical mobile (R).	FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	
14990-15005	STANDARD FREQUENCY AND TIME SIGNAL (15000 kHz). 501		14990-15010 STANDARD FREQUENCY AND TIME SIGNAL. 501 G106	14990-15010 STANDARD FREQUENCY AND TIME SIGNAL. 501		15000 kHz: Standard frequency.
15005-15010	STANDARD FREQUENCY AND TIME SIGNAL. Space Research.					
15010-15100	AERONAUTICAL MOBILE (OR).		15010-15100 AERONAUTICAL MOBILE (OR).	15010-15100 AERONAUTICAL MOBILE (OR).		
15100-15600	BROADCASTING. 531		15100-15600 BROADCASTING. US235	15100-15600 BROADCASTING. US235	RADIO BROADCAST (HF) (73). INTERNATIONAL FIXED PUBLIC (23).	
15600-16360	FIXED. 536		15600-16360 FIXED.	15600-16360 FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	
16360-17410	MARITIME MOBILE. 532		16360-17410 MARITIME MOBILE. US82 US235	16360-17410 MARITIME MOBILE. US82 US235	MARITIME (80).	
17410-17550	FIXED.		17410-17550 FIXED.	17410-17550 FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	
17550-17900			17550-17900	17550-17900		

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1—allocation kHz (1)	Region 2—allocation kHz (2)	Region 3—allocation kHz (3)	Allocation kHz (4)	Allocation kHz (5)	Rule part(s) (6)	Special-use frequencies (7)
	BROADCASTING. 531		BROADCASTING. US235	BROADCASTING. US235	RADIO BROADCAST (HF) (73). INTERNATIONAL FIXED PUBLIC (23).	
17900–17970	AERONAUTICAL MOBILE (R).		17900–17970 AERONAUTICAL MOBILE (R). US283	17900–17970 AERONAUTICAL MOBILE (R). US283	AVIATION (87).	
17970–18030	AERONAUTICAL MOBILE (OR).		17970–18030 AERONAUTICAL MOBILE (OR).	17970–18030 AERONAUTICAL MOBILE (OR).		
18030–18052	FIXED.		18030–18068 FIXED.	18030–18068 FIXED.	INTERNATIONAL FIXED PUBLIC (23). MARITIME (80).	
18052–18068	FIXED. Space Research.					
18068–18168	AMATEUR 510 AMATEUR-SATELLITE. 537 538		18068–18168 510 US248	18068–18168 AMATEUR 510 AMATEUR-SATELLITE. US248	AMATEUR (97). INTERNATIONAL FIXED PUBLIC (23). MARITIME (80).	
18168–18780	FIXED.		18168–18780 FIXED MOBILE.	18168–18780 FIXED MOBILE.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23). MARITIME (80).	
18780–18900			18780–18900	18780–18900		

	MARITIME MOBILE. 532		MARITIME MOBILE. US235	MARITIME MOBILE. US235	INTERNATIONAL FIXED PUBLIC (23). MARITIME (80).	
18900–19680	FIXED.		18900–19680 FIXED.	18900–19680 FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	
19680–19800	MARITIME MOBILE 532		19680–19800 MARITIME MOBILE. US235	19680–19800 MARITIME MOBILE. US235	MARITIME (80).	
19800–19990	FIXED.		19800–19990 FIXED.	19800–19990 FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	
19990–19995	STANDARD FREQUENCY AND TIME SIGNAL. Space Research. 501		19990–20010 STANDARD FREQUENCY AND TIME SIGNAL. 501 G106	19990–20010 STANDARD FREQUENCY AND TIME SIGNAL. 501		20000 kHz: Standard frequency.
19995–20010	STANDARD FREQUENCY AND TIME SIGNAL (20000 kHz). 501					
20010–21000	FIXED. Mobile.		20010–21000 FIXED. Mobile.	20010–21000 FIXED.		
21000–21450	AMATEUR 510 AMATEUR-SATELLITE.		21000–21450 510	21000–21450 AMATEUR 510 AMATEUR-SATELLITE.	AMATEUR (97).	
21450–21850			21450–21850	21450–21850		

International table			United States table		FCC use designators	
Region 1—allocation kHz	Region 2—allocation kHz	Region 3—allocation kHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation kHz	Allocation kHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	BROADCASTING. 531		BROADCASTING. US235	BROADCASTING. US235	INTERNATIONAL FIXED PUBLIC (23). RADIO BROADCAST (HF) (73).	
21850–21870	FIXED. 539		21850–21924 FIXED.	21850–21924 FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	
21870–21924	AERONAUTICAL FIXED.					
21924–22000	AERONAUTICAL MOBILE (R).		21924–22000 AERONAUTICAL MOBILE (R).	21924–22000 AERONAUTICAL MOBILE (R).	AVIATION (87).	
22000–22855	MARITIME MOBILE. 532 540		22000–22855 MARITIME MOBILE. US235 US82	22000–22855 MARITIME MOBILE. US235 US82	INTERNATIONAL FIXED PUBLIC (23). MARITIME (80).	
22855–23000	FIXED. 540		22855–23000 FIXED.	22855–23000 FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	
23000–23200	FIXED. Mobile except aeronautical mobile (R). 540		23000–23200 FIXED. Mobile except aeronautical mobile (R).	23000–23200 FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	

[illegible]	AERONAUTICAL FIXED. AERONAUTICAL MOBILE (OR).		23200-23350 AERONAUTICAL MOBILE (OR).	23200-23350 AERONAUTICAL MOBILE (OR).		
23350-24000	FIXED. MOBILE except aeronautical mobile 541 542		23350-24890 FIXED. MOBILE except aeronautical mobile	23350-24890 FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	
24000-24890	FIXED. LAND MOBILE. 542					
24890-24990	AMATEUR 510 AMATEUR-SATELLITE. 542 543		24890-24990 510 US248	24890-24990 AMATEUR 510 AMATEUR-SATELLITE. US248	AMATEUR (97).	
24990-25005	STANDARD FREQUENCY AND TIME SIGNAL (25000 kHz).		24990-25010 STANDARD FREQUENCY AND TIME SIGNAL. G106	24990-25010 STANDARD FREQUENCY AND TIME SIGNAL.		25000 kHz: Standard frequency.
25005-25010	STANDARD FREQUENCY AND TIME SIGNAL. Space Research.					
25010-25070	FIXED. MOBILE except aeronautical mobile.		25010-25070	25010-25070 LAND MOBILE. NG112	PRIVATE LAND MOBILE (90).	
25070-25210	MARITIME MOBILE. 544		25070-25210 MARITIME MOBILE. US235 US281	25070-25210 MARITIME MOBILE. US235 US281 NG112	MARITIME (80). PRIVATE LAND MOBILE (90).	

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1—allocation kHz (1)	Region 2—allocation kHz (2)	Region 3—allocation kHz (3)	Allocation kHz (4)	Allocation kHz (5)	Rule part(s) (6)	Special-use frequencies (7)
25210–25550	FIXED. MOBILE except aeronautical mobile.		25210–25330	25210–25330 LAND MOBILE.	PRIVATE LAND MOBILE (90).	
			25330–25550 FIXED. MOBILE except aeronautical mobile.	25330–25550		
25550–25670	RADIO ASTRONOMY. 545		25550–25670 RADIO ASTRONOMY. 545 US74	25550–25670 RADIO ASTRONOMY. 545 US74		
25670–26100	BROADCASTING.		25670–26100 BROADCASTING. US25	25670–26100 BROADCASTING. US25	AUXILIARY BROADCASTING (74). RADIO BROADCAST (HF) (73).	
26100–26175	MARITIME MOBILE. 544		26100–26175 MARITIME MOBILE. US235	26100–26175 MARITIME MOBILE. US235	AUXILIARY BROADCASTING (74). MARITIME (90).	
26175–27500	FIXED. MOBILE except aeronautical Mobile.		26175–26480	26175–26480 LAND MOBILE.	AUXILIARY BROADCASTING (74).	
			26480–26950 FIXED. MOBILE except aeronautical mobile. US10	26480–26950 US10		
			26950–27540	26950–26960		

	546			FIXED. 546	INTERNATIONAL FIXED PUBLIC (23).	
				26960–27230 MOBILE except aeronautical mobile. 546	PERSONAL (95).	27120±160 kHz: Industrial, scientific, and medical frequency.
				27230–27410 FIXED. MOBILE except aeronautical mobile. 546	PERSONAL (95). PRIVATE LAND MOBILE (90).	
27500–28000	METEOROLOGICAL AIDS. FIXED. MOBILE.		546	27410–27540 LAND MOBILE.	PRIVATE LAND MOBILE (90).	
			27540–28000 FIXED. MOBILE.	27540–28000		

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1—allocation MHz (1)	Region 2—allocation MHz (2)	Region 3—allocation MHz (3)	Allocation MHz (4)	Allocation MHz (5)	Rule part(s) (6)	Special-use frequencies (7)
28.0–29.7	AMATEUR. AMATEUR-SATELLITE.		28.0–29.7	28.0–29.7 AMATEUR. AMATEUR-SATELLITE.	AMATEUR (97).	
29.7–30.005	FIXED. MOBILE.		29.7–29.89	29.7–29.8 LAND MOBILE.	PRIVATE LAND MOBILE (90).	

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
				29.8–29.89 FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	
			29.89–29.91 FIXED. MOBILE.	29.89–29.91		
			29.91–30.0	29.91–30.0 FIXED.	AVIATION (87). INTERNATIONAL FIXED PUBLIC (23).	
30.005–30.01	FIXED. MOBILE. SPACE RESEARCH. SPACE OPERATIONS (satellite identification).		30.0–30.56 MOBILE. Fixed.	30.0–30.56		
30.01–37.5	FIXED. MOBILE.		30.56–32.0	30.56–32.0 LAND MOBILE. NG124	PRIVATE LAND MOBILE (90).	
			32.0–33.0 FIXED. MOBILE.	32.0–33.0		
			33.0–34.0	33.0–34.0 LAND MOBILE.	PRIVATE LAND MOBILE (90).	

				NG124		
			34.0–35.0 FIXED. MOBILE.	34.0–35.0		
			35.0–36.0	35.0–35.19 LAND MOBILE. NG124	PRIVATE LAND MOBILE (90).	
				35.19–35.69 LAND MOBILE. NG124	DOMESTIC PUBLIC LAND MOBILE (22). PRIVATE LAND MOBILE (90).	
				35.69–36.0 LAND MOBILE. NG124	PRIVATE LAND MOBILE (90).	
			36.0–37.0 FIXED. MOBILE. US220	36.0–37.0 US220		
			37.0–37.5	37.0–37.5 LAND MOBILE. NG124	PRIVATE LAND MOBILE (90).	
37.5–38.25	FIXED. MOBILE. Radio Astronomy. 547		37.5–38.0 Radio Astronomy. 547	37.5–38.0 LAND MOBILE. Radio Astronomy. 547 NG59 NG124	PRIVATE LAND MOBILE (90).	
			38.0–38.25 FIXED. MOBILE. RADIO ASTRONOMY. 547 US81	38.0–38.25 RADIO ASTRONOMY. 547 US81		
38.25–39.986			38.25–39.0	38.25–39.0		

International table			United States table		FCC use designators	
Region 1—allocation MHz (1)	Region 2—allocation MHz (2)	Region 3—allocation MHz (3)	Government Allocation MHz (4)	Non-Government Allocation MHz (5)	Rule part(s) (6)	Special-use frequencies (7)
	FIXED. MOBILE.		FIXED. MOBILE.			
39.986–40.02	FIXED. MOBILE. Space Research.		39.0–40.0	39.0–40.0 LAND MOBILE. NG124	PRIVATE LAND MOBILE (90).	
40.02–40.98	FIXED. MOBILE. 548		40.0–42.0 FIXED. MOBILE.	40.0–42.0		40.66 MHz ± .02 MHz: Industrial, scientific and medical frequency.
40.98–41.015	FIXED. MOBILE. Space Research. 549 550 551					
41.015–44.0	FIXED. MOBILE.	LAND MOBILE.	548 US210 US220	548 US210 US220		
			42.0–46.6 PRIVATE LAND MOBILE (90).	42.0–43.19		

				43.19–43.69 LAND MOBILE. NG124	DOMESTIC PUBLIC LAND MOBILE (22). PRIVATE LAND MOBILE (90).	
44.0–47.0	FIXED, MOBILE. 551 552			43.69–46.6 LAND MOBILE. NG124 NG141	PRIVATE LAND MOBILE (90).	
			46.6–47.0 FIXED, MOBILE.	46.6–45.0		
47.0–68.0 BROADCASTING.	47.0–50.0 FIXED. MOBILE,	47.0–50.0 FIXED. MOBILE. BROADCASTING.	47.0–49.6	47.0–49.6 LAND MOBILE. NG124	PRIVATE LAND MOBILE (90).	
			49.6–50.0 FIXED. MOBILE.	49.6–50.0		
553 554 555 559 561	50.0–54.0 AMATEUR. 556 557 558 560		50.0–54.0	50.0–54.0 AMATEUR.	AMATEUR (97).	
	54.0–68.0 BROADCASTING. Fixed. Mobile. 562	54.0–68.0 FIXED. MOBILE. BROADCASTING.	54.0–72.0	54.0–72.0 BROADCASTING. NG128 NG149	RADIO BROADCAST (TT) (73). Auxiliary Broadcasting (74).	
68.0–74.8 FIXED, MOBILE except aeronautical mobile.	68.0–72.0 BROADCASTING. Fixed. Mobile. 563	68.0–74.8 FIXED. MOBILE,				
	72.0–73.0		72.0–73.0	72.0–73.0		

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
564 565 567 568 571 572	FIXED, MOBILE.	566 568 551 572		FIXED. MOBILE. NG3 NG49 NG56	DOMESTIC PUBLIC LAND MOBILE (22). PERSONAL (95). PRIVATE LAND MOBILE (90).	
	73.0–74.6 RADIO ASTRONOMY. 570		73.0–74.6 RADIO ASTRONOMY. US74	73.0–74.6 RADIO ASTRONOMY. US74		
	746–74.8 FIXED. MOBILE. 572		74.6–74.8 FIXED. MOBILE. 572 US273	74.6–74.8 FIXED. MOBILE. 572 US273		
74.8–75.2	AERONAUTICAL RADIONAVIGATION. 572 572A		74.8–75.2 AERONAUTICAL RADIONAVIGATION. 572	74.8–75.2 AERONAUTICAL RADIONAVIGATION 572	AVIATION (87).	75 MHZ Marker Beacon.
75.2–87.5 FIXED. MOBILE except aeronautical mobile.	75.2–75.4 FIXED. MOBILE. 571 572		75.2–75.4 FIXED. MOBILE. 572 US273	75.2–75.4 FIXED. MOBILE. 572 US273		
565 571 572 575 578	75.4–76 FIXED. MOBILE.	75.4–87 FIXED. MOBILE. 573 574 577 579	75.4–76	75.4–76 FIXED. MOBILE. NG3 NG49 NG56	DOMESTIC PUBLIC LAND MOBILE (22). PERSONAL (95). PRIVATE LAND MOBILE (90).	
	76.0–88.0		76.0–88.0	76.0–88.0		

	BROADCASTING. Fixed. Mobile. 576	87–100 FIXED. MOBILE. BROADCASTING. 580	NG128	BROADCASTING. NG129 NG149	RADIO BROADCAST (TV)(73). Auxiliary Broadcasting (74).	
87.5–100 BROADCASTING. 581 582	88–100 BROADCASTING.		88–108 US93	88–108 BROADCASTING. US93 NG2 NG128 NG129	RADIO BROADCAST (FM) (73). Auxiliary Broadcasting (74).	
100–108	BROADCASTING. 582 584 585 586 587 588 589					
108–117.975	AERONAUTICAL RADIONAVIGATION. 590A		108–117.975 AERONAUTICAL RADIONAVIGATION. US93	108–117.975 AERONAUTICAL RADIONAVIGATION. US93		
117.975–136.0	AERONAUTICAL MOBILE (R). 501 591 592 593 594		117.975–121.9375 AERONAUTICAL MOBILE (R). 501 591 592 593 US26 US28	117.975–121.9375 AERONAUTICAL MOBILE (R). 501 591 592 593 US26 US28	AVIATION (87).	
			121.9375–123.0875 591 US30 US31 US33 US80 US102 US213	121.9375–123.0875 AERONAUTICAL MOBILE 591 US30 US31 US33 US80 US102 US213	AVIATION (87).	
			123.0875–123.5875	123.0875–123.5875		

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1—allocation MHz (1)	Region 2—allocation MHz (2)	Region 3—allocation MHz (3)	Allocation MHz (4)	Allocation MHz (5)	Rule part(s) (6)	Special-use frequencies (7)
			AERONAUTICAL MOBILE 591 593 US32 US33 US112	AERONAUTICAL MOBILE 591 593 US32 US33 US112	AVIATION (87).	123.1 MHz for SAR Scene-of-Action Communication.
			123.5875–128.8125 AERONAUTICAL MOBILE (R). 591 US26	123.5875–128.8125 AERONAUTICAL MOBILE (R). 591 US26	AVIATION (87).	
			128.8125–132.0125 591	128.8125–132.0125 AERONAUTICAL MOBILE (R). 591	AVIATION (87).	
			132.0125–136.0 AERONAUTICAL MOBILE (R). 591 US26	132.0125–136.0 AERONAUTICAL MOBILE (R). 591 US26	AVIATION (87).	
136–137	AERONAUTICAL MOBILE (R). FIXED. Mobile except aeronautical mobile (R). 591 595 594A		136.0–137.0 591 US244	136.0–137.0 AERONAUTICAL MOBILE (R). 591 US244	AVIATION (87). SATELLITE COMMUNICATIONS (25).	
137.0–138.0			137.0–138.0	137.0–138.0		

	SPACE OPERATION (space-to-Earth). METEOROLOGICAL-SATELLITE (space-to-Earth). SPACE RESEARCH (space-to-Earth). Fixed. Mobile except aeronautical mobile (R). 596 597 598 599		SPACE OPERATION (space-to-Earth). METEOROLOGICAL-SATELLITE (space-to-Earth). SPACE RESEARCH (space-to-Earth).	SPACE OPERATION (space-to-Earth). METEOROLOGICAL-SATELLITE (space-to-Earth). SPACE RESEARCH (space-to-Earth).	SATELLITE COMMUNICATIONS (25).	
138.0–143.6 AERONAUTICAL MOBILE (OR). 600 601 602 604	138.0–143.6 FIXED. MOBILE. /RADIOLOCATION/. Space Research (space-to-Earth).	138.0–143.6 FIXED. MOBILE. Space Research (space-to-Earth). 599 603	138.0–144.0 FIXED. MOBILE.	138.0–144.0		
143.6–143.65 AERONAUTICAL MOBILE (OR). SPACE RESEARCH (space-to-Earth). 601 602 604	143.6–143.65 FIXED. MOBILE. SPACE RESEARCH (space-to-Earth). /RADIOLOCATION/.	143.6–143.65 FIXED. MOBILE. SPACE RESEARCH (space-to-Earth). 599 603				
143.65–144.0 AERONAUTICAL MOBILE (OR). 600 601 602 604	143.65–144.0 FIXED. MOBILE. /RADIOLOCATION/. Space Research (space-to-Earth).	143.65–144.0 FIXED. MOBILE. Space Research (space-to-Earth). 599 603	US10 G30	US10		
144.0–146.0	AMATEUR 510 AMATEUR-SATELLITE. 605 606		144.0–146.0 510	144.0–146.0 AMATEUR 510 AMATEUR-SATELLITE.	AMATEUR (97).	
146.0–149.9 FIXED. MOBILE except aeronautical Mobile (R).	146.0–148.0 AMATEUR.	146.0–148.0 AMATEUR. FIXED. MOBILE.	146.0–148.0	146.0–148.0 AMATEUR.	AMATEUR (97).	

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	607	607				
608	148.0–149.9 FIXED. MOBILE. 608		148.0–149.9 FIXED. MOBILE. 608 US10 G30	148.0–149.9 608 US10	SATELLITE COMMUNICATION (25).	
149.9–150.05	RADIONAVIGATION-SATELLITE. 609 609A		149.9–150.05 RADIONAVIGATION SATELLITE. 609A	149.9–150.05 RADIONAVIGATION SATELLITE. 609A		
150.05–153 FIXED. MOBILE except aeronautical mobile. RADIO ASTRONOMY.	150.05–156.7625 FIXED. MOBILE.		150.05–150.8 FIXED. MOBILE. US216 G30	150.05–150.8 US216		
			150.8–156.2475	150.8–152 LAND MOBILE. NG51 NG112 NG124	PRIVATE LAND MOBILE (90).	
610 612	611 613 613A		613 US216	152.0–152.255 LAND MOBILE. US216	DOMESTIC PUBLIC LAND MOBILE (22).	
				152.255–152.495 LAND MOBILE. NG124	PRIVATE LAND MOBILE (90).	
				152.495–152.855 LAND MOBILE.	DOMESTIC PUBLIC LAND MOBILE (22).	

153-154 FIXED. MOBILE except aeronautical mobile (R). Meteorological Aids.				NG4		
154.0-156.7625 FIXED. MOBILE except aeronautical mobile (R). 613 613A				152.855-156.2475 LAND MOBILE. 613 613A NG4 NG112 NG117 NG124 NG148	PRIVATE LAND MOBILE (90). AUXILIARY BROADCASTING (74) MARITIME (80).	
156.7625-156.8375	MARITIME MOBILE (distress and calling). 501 613		156.2475-157.0375 613 613A US77 US106 US107 US266	156.2475-157.0375 MARITIME MOBILE. NG117 613 613A US77 US106 US107 US266		
156.8375-174 FIXED. MOBILE except aeronautical mobile. 613 613B 614 615	156-8375-174 FIXED. MOBILE. 613 616 617 618					
			157.0375-157.1875 MARITIME MOBILE. 613 US214 US266 G109	157.0375-157.1875 613 US214 US266	Private Land Mobile (90).	

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			157.1875-157.45 613 US223 US266	157.1875-157.45 MARITIME MOBILE. 613 US223 US266 NG111	MARITIME (80).	
			157.45-161.575 613 US266	157.45-157.755 LAND MOBILE. 613 US266 NG111 NG124	PRIVATE LAND MOBILE (90).	
				157.755-158.115 LAND MOBILE. 613	DOMESTIC PUBLIC LAND MOBILE (22).	
				158.115-161.575 LAND MOBILE NG6 613 NG6 NG28 NG70 NG112 NG124 NG148	DOMESTIC PUBLIC LAND MOBILE (22). PRIVATE LAND MOBILE (90) MARITIME (80).	
			161.575-161.625 613 US77	161.575-161.625 MARITIME MOBILE. 613 US77 NG6 NG17	DOMESTIC PUBLIC LAND MOBILE (22). MARITIME (80)	
			161.625-161.775 613	161.625-161.775 LAND MOBILE. 613	AUXILIARY BROADCASTING (74). DOMESTIC PUBLIC LAND MOBILE (22).	

				NG6		
			161.775-162.0125 613 US266	161.775-162.0125 MARITIME MOBILE. 613 US266 NG6	DOMESTIC PUBLIC LAND MOBILE (22). MARITIME (80).	
			162.0125-173.2 FIXED. MOBILE. 613 US8 US11 US13 US216 US223 US300 US312 G5	162.0125-173.2 613 US8 US11 US13 US216 US223 US300 US312	Auxiliary Broadcasting (74). Private Land Mobile (90).	
			173.2-173.4	173.2-173.4 FIXED. Land Mobile. NG124	Private Land Mobile (90).	
			173.4-174.0 FIXED. MOBILE. G5	173.4-174.0		
174-223 BROADCASTING. 621 623 628 629	174-216 BROADCASTING. Fixed. Mobile. 620	174-233 FIXED. MOBILE. BROADCASTING. 619 624 625 626 630	174-216	174-216 BROADCASTING. NG115 NG128 NG149	RADIO BROADCAST (TV) (73). Auxiliary Broadcasting (74).	
	216-220 FIXED. MARITIME MOBILE. Radiolocation 627 627A		216-220 MARITIME MOBILE. Aeronautical Mobile. Fixed. Land Mobile. Radiolocation 627 US210 US229 US274 G2	216-220 MARITIME MOBILE. Aeronautical Mobile. Fixed. Land Mobile. 627 US210 US229 US274 NG121	MARITIME (80). Private Land Mobile (90).	
	220-225		220-222 Land mobile	220-222 Land mobile	Private land mobile (90)	

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	AMATEUR. FIXED. MOBILE. Radiolocation 627		Radiolocation: 627 US243, G2	627, US243		
223-230 BROADCASTING. Fixed. Mobile. 622 628 629 631 632 633 634 635.		223-230 FIXED. 636 637	222-225 Radiolocation: 627 US243, G2	222-225 amateur 627, US243	Amateur (97)	
	225-235 FIXED. MOBILE.		225.0-328.6 FIXED. MOBILE. 501 592 642 644 G27 G100	225.0-328.6 501 592 642 644.		
230-235 FIXED. MOBILE. 629 632 633 634 635 638 639.		230-235 FIXED. MOBILE. AERONAUTICAL RADIONAVIGATION. 637				
235-267	FIXED. MOBILE. 501 592 635 640 641 642					
267-272	FIXED. MOBILE. Space Operation (space-to-Earth).					

272-273	SPACE OPERATION (space-to-Earth). FIXED. MOBILE. 641					
273-322	FIXED. MOBILE. 641					
322.0-328.6	FIXED. MOBILE. RADIO ASTRONOMY. 644					
328.6-335.4	AERONAUTICAL RADIONAVIGATION. 645 645A		328.6-335.4 AERONAUTICAL RADIONAVIGATION. 645	328.6-335.4 AERONAUTICAL RADIONAVIGATION. 645		
335.4-399.9	FIXED. MOBILE. 641		335.4-399.9 FIXED. MOBILE. G27 G100	335.4-399.9		
399.9-400.05	RADIONAVIGATION-SATELLITE. 609 645B		399.9-400.05 RADIONAVIGATION-SATELLITE. 645B	399.9-400.05 RADIONAVIGATION-SATELLITE. 645B		
400.05-400.15	STANDARD FREQUENCY AND TIME SIGNAL-SATELLITE. (400.1 MHz) 646 647		400.05-400.15 STANDARD FREQUENCY AND TIME SIGNAL-SATELLITE. 646	400.05-400.15 STANDARD FREQUENCY AND TIME SIGNAL-SATELLITE. 646		400.1 MHz: Standard frequency.
400.15-401.0			400.15-401.0	400.15-401.0		

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE (space-to-Earth). SPACE RESEARCH (space-to-Earth). Space Operation (space-to-Earth). 647		METEOROLOGICAL AIDS (radiosonde). METEOROLOGICAL-SATELLITE (space-to-Earth). SPACE RESEARCH (space-to-Earth). Space Operation (space-to-Earth). US70	METEOROLOGICAL AIDS (radiosonde). SPACE RESEARCH (space-to-Earth). Space Operation (space-to-Earth). US70	SATELLITE COMMUNICATION (25).	
401–402	METEOROLOGICAL AIDS. SPACE OPERATION (space-to-Earth). Earth Exploration-Satellite (Earth-to-space). Fixed. Meteorological-Satellite (Earth-to-space). Mobile except aeronautical mobile.		401–402 METEOROLOGICAL AIDS (radiosonde). SPACE OPERATION (space-to-Earth). Earth Exploration-Satellite (Earth-to-space). Meteorological-Satellite (Earth-to-space). US70	401–402 METEOROLOGICAL AIDS (radiosonde). SPACE OPERATION (space-to-Earth). Earth Exploration-Satellite (Earth-to-space). Meteorological-Satellite (Earth-to-space). US70	SATELLITE COMMUNICATIONS (25).	
402–403	METEOROLOGICAL AIDS. Earth Exploration-Satellite (Earth-to-space). Fixed. Meteorological-Satellite (Earth-to-space). Mobile except aeronautical mobile.		402–403 METEOROLOGICAL AIDS (radiosonde) Earth Exploration-Satellite (Earth-to-space) Meteorological-Satellite (Earth-to-space). US70	402–403 METEOROLOGICAL AIDS (radiosonde). Earth Exploration-Satellite (Earth-to-space). Meteorological-Satellite. (Earth-to-space). US70		

403–406	METEOROLOGICAL AIDS. Fixed. Mobile except aeronautical mobile. 648		403–406 METEOROLOGICAL AIDS (radiosonde). US70 G6	403–406 METEOROLOGICAL AIDS (radiosonde). US70		
406.0–406.1	MOBILE-SATELLITE (Earth-to-space). 649 649A		406.0–406.1 MOBILE-SATELLITE (Earth-to-space). 649 649A	406.0–406.1 MOBILE-SATELLITE (Earth-to-space). 649 649A		
406.1–410.0	FIXED. MOBILE except aeronautical mobile. RADIO ASTRONOMY. 648 650		406.1–410.0 FIXED. MOBILE. RADIO ASTRONOMY. US13 US74 US117 35 G6	406.1–410.0 RADIO ASTRONOMY. US13 US74 US117		
410–420	FIXED. MOBILE except aeronautical mobile.		410–420 FIXED. MOBILE. US13 G5	410–420 US13		
420–430	FIXED. MOBILE except aeronautical mobile. Radiolocation. 651 652 653		420–450 RADIOLOCATION. 664 668 US7 US87 US217 US228 US230 G2 G8	420–450 Amateur. 664 668 US7 US87 US217 US228 US230 NG135	LAND MOBILE (90). Amateur (97).	
430–440 AMATEUR. RADIOLOCATION. 653 654 655 656 657 658 659 661 662 663 664 665	430–440 RADIOLOCATION. Amateur. 653 658 659 660 660A 663 664					
440–450						

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	FIXED. MOBILE except aeronautical mobile. Radiolocation. 651 652 653 666 667 668					
450–460	FIXED. MOBILE. 653 668 669 670		450–460 668 669 670 US87	450–451 LAND MOBILE. 668 US87	AUXILIARY BROADCASTING (74). SATELLITE COMMUNICATION (25).	
				451–454 LAND MOBILE. NG112 NG124	PRIVATE LAND MOBILE (90).	
				454–455 LAND MOBILE. NG12 NG112 NG148	DOMESTIC PUBLIC LAND MOBILE (22). MARITIME (80).	
				455–456 LAND MOBILE.	AUXILIARY BROADCASTING (74).	
				456–459 LAND MOBILE. 669 670 NG112 NG124	PRIVATE LAND MOBILE (90).	
				459–460		

				LAND MOBILE. NG12 NG112 NG148	DOMESTIC PUBLIC LAND MOBILE (22). MARITIME (80)	
460–470	FIXED. MOBILE. Meterological-Satellite (space-to-Earth). 669 670 671 672		460–470 Meterological Satellite (space-to-Earth). 669 670 671 US201 US209 US216	460–462.5375 LAND MOBILE. 671 US201 US209 NG124	PRIVATE LAND MOBILE (90).	
				462.5375–462.7375 LAND MOBILE. 671 US201	PERSONAL (95).	
				462.7375–467.5375 LAND MOBILE. 669 671 US201 US209 US216 NG124	PRIVATE LAND MOBILE (90).	
				467.5375–467.7375 LAND MOBILE. 669 671 US201	PERSONAL (95).	
				467.7375–470.0 LAND MOBILE. 669 670 671 US201 US216 NG124	PRIVATE LAND MOBILE (90).	
470–790 BROADCASTING.	470–512 BROADCASTING. Fixed. Mobile.	470–585 FIXED. MOBILE. BROADCASTING.	470–512	470–512 BROADCASTING. LAND MOBILE.	RADIO BROADCAST (TV) (73). DOMESTIC PUBLIC LAND MOBILE (22). PRIVATE LAND MOBILE (90).	

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	674 675	673 677 679		NG66 NG114 NG127 NG128 NG149	Auxiliary Broadcasting (74).	
667A 676 682 683 684 685 686 686A 687 689 693 694	512–608 BROADCASTING. 678	585–610 FIXED. MOBILE. BROADCASTING. RADIONAVIGATION. 688 689 690	512–608	512–608 BROADCASTING. NG128 NG149	RADIO BROADCAST (TV) (73). Auxiliary Broadcasting (74).	
	608–614 RADIO ASTRONOMY. Mobile-Satellite except aeronautical mobile-satellite (Earth-to-space).	610–890 FIXED. MOBILE. BROADCASTING.	608–614 RADIO ASTRONOMY. US74 US246	608–614 RADIO ASTRONOMY. US74 US246		
790–862 FIXED. BROADCASTING. 694 695 695A	614–806 BROADCASTING. Fixed. Mobile. 675 692 692A 693		614–806	614–806 BROADCASTING. NG30 NG43 NG128 NG149	RADIO BROADCAST (TV) (73). Auxiliary Broadcasting (74).	

696 697 702	806-890 FIXED. MOBILE. BROADCASTING. 692A 700	677 688 689 690 691 693 701	806-902 US116 US268 G2	806-821 LAND MOBILE. NG30 NG43 NG63 NG31	PRIVATE LAND MOBILE (90).	
862-890 FIXED. MOBILE except aeronautical mobile. BROADCASTING 703. 704				821-824 LAND MOBILE. NG30 NG43 NG63	PRIVATE LAND MOBILE (90)	
				824-849 LAND MOBILE. NG30 NG43 NG63 NG151	DOMESTIC PUBLIC LAND MOBILE (22).	
				849-851 AERONAUTICAL MOBILE. NG30 NG63 NG153	PUBLIC MOBILE (22).	
				851-866 LAND MOBILE. NG30 NG63 NG31	PRIVATE LAND MOBILE (90).	
				866-869 LAND MOBILE. NG30 NG63	PRIVATE LAND MOBILE (90).	
				869-894 LAND MOBILE. NG30 NG63 US116 US268 NG151	DOMESTIC PUBLIC LAND MOBILE (22)	
890-942	890-902	890-942		894-896		

International table			United States table		FCC use designators	
Region 1—allocation MHz (1)	Region 2—allocation MHz (2)	Region 3—allocation MHz (3)	Government Allocation MHz (4)	Non-Government Allocation MHz (5)	Rule part(s) (6)	Special-use frequencies (7)
FIXED. MOBILE except aeronautical mobile. BROADCASTING 703. Radiolocation. 704	FIXED. MOBILE except aeronautical mobile. Radiolocation. 704A 705	FIXED. MOBILE. BROADCASTING. Radiolocation. 706		AERONAUTICAL MOBILE. US116 US268 NG153	PUBLIC MOBILE (22).	
				896-901 LAND MOBILE US116 US268	PRIVATE LAND MOBILE (90)	
				901-902 MOBILE US116 US268	GENERAL PURPOSE MOBILE ( )	
	902-928 FIXED. Amateur. Mobile except aeronautical mobile Radiolocation. 705 707 707A		902-928 RADIOLOCATION. 707 US215 US218 US267 US275 G11 G59	902-928 707 US215 US218 US267 US275	Amateur (97).	915 ± 13 MHz: Industrial, scientific and medical frequency.
	928-942 FIXED. MOBILE except aeronautical mobile. Radiolocation. 705		928-932 US116 US215	928-929 FIXED. US116 US215 US268	DOMESTIC PUBLIC LAND MOBILE (22). PRIVATE LAND MOBILE (90). PRIVATE OPERATIONAL FIXED MICROWAVE (94).	
				929-932	DOMESTIC PUBLIC	

			US268 G2	LAND MOBILE US116 US215 US268	LAND MOBILE (22). PRIVATE LAND MOBILE (90).	
			932-935 FIXED US215 US268 G2	932-935 FIXED US215 US268		
942-960 FIXED. MOBILE except aeronautical mobile. BROADCASTING 703 704	942-960 FIXED. MOBILE. 708	942-960 FIXED. MOBILE. BROADCASTING. 701	935-941 US116 US215 US268 G2	935-940 LAND MOBILE US116 US215 US268	PRIVATE LAND MOBILE (90)	
				940-941 MOBILE US116 US268	GENERAL PURPOSE MOBILE( )	
			941-944 FIXED US268 US301 US302	941-944 FIXED US268 US301 US302		
			944-960	944-960 FIXED NG120	AUXILIARY BROADCASTING (74). DOMESTIC PUBLIC FIXED (22). INTERNATIONAL FIXED PUBLIC (23). PRIVATE OPERATIONAL FIXED MICROWAVE (94).	
960-1215	AERONAUTICAL RADIONAVIGATION. 709		960-1215 AERONAUTICAL RADIONAVIGATION. 709 US224	960-1215 AERONAUTICAL RADIONAVIGATION. 709 US224	AVIATION (87).	
1215-1240			1215-1240	1215-1240		

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	RADIOLOCATION. RADIONAVIGATION-SATELLITE (space-to-Earth) 710. 711 712 712A 713		RADIOLOCATION. RADIONAVIGATION-SATELLITE (space-to-Earth). 713 G56	713		
1240-1260	RADIOLOCATION. RADIONAVIGATION-SATELLITE (space-to-Earth) 710. Amateur. 711 712 712A 713 714		1240-1300 RADIOLOCATION. 664 713 714 G56	1240-1300 Amateur. 664 713 714	Amateur (97).	
1260-1300	RADIOLOCATION. Amateur. 664 711 712 712A 713 714					
1300-1350	AERONAUTICAL RADIONAVIGATION 717 Radiolocation 715 716 718		1300-1350 AERONAUTICAL RADIONAVIGATION 717 Radiolocation 718 G2	1300-1350 AERONAUTICAL RADIONAVIGATION 717 718	AVIATION (87).	
1350-1400 FIXED. MOBILE. RADIOLOCATION. 718 719 720	1350-1400 RADIOLOCATION. 714 718 720		1350-1400 RADIOLOCATION. Fixed. Mobile. 714 718 720 G2 G27 G114 US311	1350-1400 714 718 720		
1400-1427			1400-1427	1400-1427		

	EARTH EXPLORATION-SATELLITE (passive). RADIO ASTRONOMY. SPACE RESEARCH (passive). 721 722		EARTH EXPLORATION-SATELLITE (passive). RADIO ASTRONOMY. SPACE RESEARCH (passive). 722 US74 US246	EARTH EXPLORATION-SATELLITE (passive). RADIO ASTRONOMY. SPACE RESEARCH (passive). 722 US74 US246		
1427–1429	SPACE OPERATION (Earth-to-space). FIXED. MOBILE except aeronautical mobile. 722		1427–1429 SPACE OPERATION (Earth-to-space). FIXED. MOBILE except aeronautical mobile. 722 G30	1427–1429 SPACE OPERATION (Earth-to-space). Fixed (telemetering). Land Mobile (telemetering and telecommand). 722	Private Land Mobile (90). Satellite Communications (25).	
1429–1525 FIXED. MOBILE except aeronautical mobile. 722	1429–1525 FIXED. MOBILE 723 722		1429–1435 FIXED. MOBILE. 722 G30	1429–1435 Land Mobile (telemetering and telecommand). Fixed (telemetering) 722	Private Land Mobile (90).	
1525–1530 SPACE OPERATION (space-to-Earth). FIXED. Earth Exploration-Satellite. Mobile except aeronautical mobile 724 722 725	1525–1530 SPACE OPERATION (space-to-Earth). Earth Exploration-Satellite. Fixed. Mobile 723 722 723A	1525–1530 SPACE OPERATION (space-to-Earth). FIXED. Earth Exploration-Satellite. Mobile 723 724 722	1435–1530 MOBILE (aeronautical telemetering). 722 US78	1435–1530 MOBILE (aeronautical telemetering). 722 US78	AVIATION (87).	
1530–1533	1530–1533		1530–1535	1530–1535		

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
SPACE OPERATION (space-to-Earth). MARITIME MOBILE-SATELLITE (space-to-Earth). Earth Exploration-Satellite. Fixed. Mobile except aeronautical mobile. Land-Mobile Satellite (space-to-Earth) 722 726 726A	SPACE OPERATION (space-to-Earth). MARITIME MOBILE-SATELLITE (space-to-Earth). Earth Exploration-Satellite. Fixed. Mobile 723 Land-Mobile Satellite (space-to- Earth) 722 726 726A		MARITIME MOBILE-SATELLITE (space-to-Earth). Mobile (aeronatuical telemetering). 722 726A US78 US272	MARITIME MOBILE-SATELLITE (space-to-Earth). Mobile (aeronautical telemetering). 722 726A US78 US272	AVIATION (87). SATELLITE COMMUNICATION (25).	
1533–1535 SPACE OPERATION (space-to-Earth) MARITIME MOBILE-SATELLITE (space-to-Earth) Earth exploration satellite. Fixed. Mobile except aeronautical mobile. Land-Mobile Satellite (space-to-Earth) 726B 722 726 726A	1533–1535 SPACE OPERATION (space-to-Earth) MARITIME MOBILE-SATELLITE (space-to-Earth) Earth exploration satellite. Fixed. Mobile 723 Land-Mobile Satellite (space-to-Earth) 726B 722 726 726A		722 726A US78 US272	722 726A US78 US272		
1535–1544	MARITIME MOBILE-SATELLITE (space-to-Earth). Land-mobile satellite (space-to-Earth) 726B.		1535–1544	1535–1544		

	722 726A 727		MARITIME MOBILE-SATELLITE (space-to-Earth). 722 726A	MARITIME MOBILE-SATELLITE (space-to-Earth). 722 726A	MARITIME (80). SATELLITE COMMUNICATIONS (25).	
1544–1545	MOBILE-SATELLITE (space-to-Earth). 722 727 727A		1544–1545 MOBILE-SATELLITE (space-to-Earth). 722 727A	1544–1545 MOBILE-SATELLITE (space-to-Earth). 722 727A	MARITIME (80). SATELLITE COMMUNICATION (25).	
1545–1555	AERONAUTICAL MOBILE-SATELLITE (R) (space-to-Earth) 722 726A 727 729 729A 730		1545–1549.5 AERONAUTICAL MOBILE-SATELLITE (R) (space-to-Earth). Mobile-satellite (space-to-Earth). 722 726A US308 US309	1545–1549.5 AERONAUTICAL MOBILE-SATELLITE (R) (space-to-Earth). Mobile-satellite (space-to-Earth). 722 726A US308 US309	AVIATION (87)	
			1549.5–1558.5 AERONAUTICAL MOBILE-SATELLITE (R) (space-to-Earth) MOBILE-SATELLITE (space-to-Earth) 722 726A US308 US309	1549.5–1558.5 AERONAUTICAL MOBILE-SATELLITE (R) (space-to-Earth) MOBILE-SATELLITE (space-to-Earth). 722 726A US308 US309	AVIATION (87).	
1555–1559	LAND-MOBILE SATTELITE (space-to-Earth). 722 726A 727 730 730A		1558.5–1559 AERONAUTICAL MOBILE-SATELLITE (R) (space-to-Earth). 722 726A US308 US309	1558.5–1559 AERONAUTICAL MOBILE-SATELLITE (R) (space-to-Earth). 722 726A US308 US309	AVIATION (87).	
1559–1610	AERONAUTICAL RADIONAVIGATION. RADIONAVIGATION-SATELLITE (space-to-Earth).		1559–1610 AERONAUTICAL RADIONAVIGATION-SATELLITE (space-to-Earth)	1559–1610 AERONAUTICAL RADIONAVIGATION-SATELLITE (space-to-Earth)	AVIATION (87).	

International table			United States table		FCC use designators	
Region 1—allocation MHz (1)	Region 2—allocation MHz (2)	Region 3—allocation MHz (3)	Government	Non-Government	Rule part(s) (6)	Special-use frequencies (7)
			Allocation MHz (4)	Allocation MHz (5)		
	722 727 730 731 731A 731B 731C 731D		722 US208 US260	722 US208 US260		
1610–1626.5 AERONAUTICAL RADIONAVIGATION. 722 727 730 731 731A 731B 731D 732 733 733A 733B 733E 733F 734	1610–1626.5 AERONAUTICAL RADIONAVIGATION. Radiodetermination-satellite (Earth-to-space) 733A 733E 722 731B 731C 732 733 733C 733D 734	1610–1626.5 AERONAUTICAL RADIONAVIGATION. Radiodetermination-satellite (Earth-to-space) 733A 733E 722 727 730 731B 731C 732 733 733B 734	1610–1626.5 AERONAUTICAL RADIONAVIGATION. 722 732 733 734 US208 US260 US306	AERONAUTICAL RADIONAVIGATION. 722 732 733 734 US208 US260 US306	AVIATION (87). Satellite communication (25).	
1626.5–1631.5	MARITIME MOBILE-SATELLITE (Earth-to-space). LAND MOBILE-SATELLITE (Earth-to-space). 722 726A 727 730		1626.5–1645.5 MARITIME MOBILE-SATELLITE (Earth-to-space). 722 726A	1626.5–1645.5 MARITIME MOBILE-SATELLITE (Earth-to-space). 722 726A	MARITIME (80). SATELLITE COMMUNICATION (25).	
1631.5–1634.5	MARITIME MOBILE-SATELLITE (Earth-to-space). LAND MOBILE-SATELLITE (Earth-to-space). 722 726A 727 730 734A					

1534.5–1645.5	MARITIME MOBILE-SATELLITE (Earth-to-space). LAND MOBILE-SATELLITE (Earth-to-space). 722 726A 727 730					
1645.5–1646.5	MOBILE-SATELLITE (Earth-to-space). 722 734B		1645.5–1646.5 MOBILE-SATELLITE (Earth-to-space). 722 734B	1645.5–1646.5 MOBILE-SATELLITE (Earth-to-space). 722 734B	MARITIME (80). SATELLITE COMMUNICATION (25).	
1646.5–1656.5	AERONAUTICAL MOBILE-SATELLITE (R) (Earth-to-space) 722 726A 727 729A 730 735		1646.5–1651 AERONAUTICAL MOBILE-SATELLITE (R) (Earth-to-space) Mobile-Satellite (Earth-to-space). 722 726A US308 US309	1646.5–1651 AERONAUTICAL MOBILE-SATELLITE (R) (Earth-to-space) Mobile-Satellite (Earth-to-space). 722 726A US308 US309	AVIATION (87).	
1656.5–1660	LAND-MOBILE SATELLITE (Earth-to-space) 722 726A 727 730 730A 734A		1651–1660 AERONAUTICAL MOBILE-SATELLITE (R) (Earth-to-space) MOBILE-SATELLITE (Earth-to-space). 722 726A US308 US39	1651–1660 AERONAUTICAL MOBILE-SATELLITE (R) (Earth-to-space) MOBILE-SATELLITE (Earth-to-space). 722 726A US308 US39	AVIATION (87).	
1660–1660.5	RADIO ASTRONOMY. Land-mobile satellite (Earth-to-space). 722 726A 730A 736		1660–1660.5 AERONAUTICAL MOBILE-SATELLITE (R) (Earth-to-space) RADIO ASTRONOMY. 722 726A 736 US309	1660–1660.5 AERONAUTICAL MOBILE-SATELLITE (R) (Earth-to-space) RADIO ASTRONOMY. 722 726A 736 US309	AVIATION (87).	
1660.5–1668.4			1660.5–1668.4	1660.5–1668.4		

International table			United States table		FCC use designators	
Region 1—allocation MHz (1)	Region 2—allocation MHz (2)	Region 3—allocation MHz (3)	Government Allocation MHz (4)	Non-Government Allocation MHz (5)	Rule part(s) (6)	Special-use frequencies (7)
	RADIO ASTRONOMY. SPACE RESEARCH (passive). Fixed. Mobile except aeronautical mobile. 722 736 737 738 739		RADIO ASTRONOMY. SPACE RESEARCH (passive). 722 US74 US246	RADIO ASTRONOMY. SPACE RESEARCH (passive). 722 US74 US246		
1668.4–1670.0	METEOROLOGICAL AIDS. FIXED. MOBILE except aeronautical mobile. RADIO ASTRONOMY 722 736		1668.4–1670.0 METEOROLOGICAL AIDS (radiosonde). RADIO ASTRONOMY. 722 736 US74 US99	1668.4–1670.0 METEOROLOGICAL AIDS (radiosonde). RADIO ASTRONOMY. 722 736 US74 US99		
1670–1690	METEOROLOGICAL AIDS. FIXED. METEOROLOGICAL-SATELLITE (space-to-Earth). MOBILE except aeronautical mobile. 722		1670–1690 METEOROLOGICAL AIDS (radiosonde). METEOROLOGICAL-SATELLITE (space-to-Earth). 722 US211	1670–1690 METEOROLOGICAL AIDS (radiosonde). METEOROLOGICAL-SATELLITE (space-to-Earth). 722 US211		
1690–1700 METEOROLOGICAL AIDS METEOROLOGICAL-SATELLITE (space-to-Earth). Mobile except aeronautical mobile. 671 722 741	1690–1700 METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE (space-to-Earth). 671 722 740 742		1690–1700 METEOROLOGICAL-AIDS (Radiosonde). METEOROLOGICAL-SATELLITE (space-to-Earth). 671 722	1690–1700 METEOROLOGICAL-AIDS (Rdiosonde). METEOROLOGICAL-SATELLITE (space-to-Earth). 671 722		

1700–1710 FIXED. METEOROLOGICAL-SATELLITE (space-to-Earth). Mobile except aeronautical mobile. 671 722 743A	1700–1710 FIXED METEOROLOGICAL SATELLITE (space-to-Earth). MOBILE except aeronautical mobile. 671 722 743		1700–1710 FIXED METEOROLOGICAL-SATELLITE (space-to-Earth). 671 722 G118	1700–1710 METEOROLOGICAL-SATELLITE (space-to-Earth). Fixed. 671 722		
1710–2290 FIXED. Mobile. 722 743A 744 746 747 748 750	1710–2290 FIXED. MOBILE. 722 744 745 746 747 748 749 750		1710–1850 FIXED. MOBILE. 722 US256 G42	1710–1850 722 US256		
			1850–1990	1850–1990 FIXED.	1850–1990 PRIVATE OPERATIONAL-FIXED MICROWAVE (94).	
			1990–2110 US90 US111 US219 US222	1990–2100 Fixed MOBILE. US90 US111 US219 US222 NG23 NG118	AUXILIARY BROADCAST (74) CABLE TELEVISION (78) DOMESTIC PUBLIC FIXED (21)	
			2110–2200 US111 US252			
			2200–2290 FIXED. MOBILE. SPACE RESEARCH (space-to-Earth) (space-to-space) US303 G101	2200–2290 US303		
2290–2300	2290–2300		2290–2300	2290–2300		

International table			United States table		FCC use designators	
Region 1—allocation MHz (1)	Region 2—allocation MHz (2)	Region 3—allocation MHz (3)	Government Allocation MHz (4)	Non-Government Allocation MHz (5)	Rule part(s) (6)	Special-use frequencies (7)
FIXED. SPACE RESEARCH (space-to-Earth) (deep space). MOBILE except aeronautical mobile. 743A	FIXED. MOBILE except aeronautical mobile. SPACE RESEARCH (space-to-Earth) (deep space).		FIXED. MOBILE except aeronautical mobile. SPACE RESEARCH (space-to-Earth) (deep space only).	SPACE RESEARCH (space-to-Earth) (deep space only).		
2300–2450 FIXED. Amateur. Mobile. Radiolocation. 664 743A 752	2300–2450 FIXED. MOBILE. RADIOLOCATION. Amateur. 664 751 752		2300–2310 RADIOLOCATION Fixed. Mobile. US253 G2	2300–2310 Amateur. US253	Amateur (97).	
			2310–2390 MOBILE. RADIOLOCATION. Fixed. US276 G2	2310–2390 MOBILE US276		
			2390–2450 RADIOLOCATION. 664 752 G2	2390–2450 Amateur. 664 752	Amateur (97).	
2450–2483.5 FIXED. MOBILE. Radiolocation. 752 753	2450–2483.5 FIXED. MOBILE. RADIOLOCATION. 752		2450–2483.5 752 US41	2450–2483.5 FIXED. MOBILE. Radiolocation. 752 US41		2450 ± 50 MHz: Industrial, scientific and medical frequency.
2483.5–2500 FIXED MOBILE. Radiolocation.	2483.5–2500 FIXED-MOBILE RADIODETERMINATION SATELLITE. (space-to-Earth). Radiolocation.	2483.5–2500 FIXED-MOBILE RADIOLOCATION RADIODETERMINATION SATELLITE (space-to-earth)	2483.5–2500	2483.5–2500 RADIODETERMINATION SATELLITE (space-to-Earth).	Satellite communication (25).	

733F 752 753A 753B 753C 763E	752 753D	752 753A 753C	752 US41	752 US41 NG147		
2500–2655 FIXED 762 763 764 MOBILE except aeronautical mobile. BROADCASTING-SATELLITE 757 760 720 753 756 758 759	2500–2655 FIXED 762 764 FIXED-SATELLITE (space-to-Earth) 761 MOBILE except aeronautical mobile. BROADCASTING-SATELLITE 757 760 720 755	2500–2535 FIXED 762 764 FIXED SATELLITE (space-to-Earth) 761 MOBILE except aeronautical mobile. BROADCASTING-SATELLITE 757 760 754 754A 2535–2655 FIXED 762 764 MOBILE except aeronautical mobile. BROADCASTING-SATELLITE 757 760 720	2500–2655 720 US205 US269	2500–2655 FIXED. BROADCASTING-SATELLITE. 720 US205 US269 NG47 NG101 NG102		
2655–2690 FIXED 762 763 764 MOBILE except aeronautical mobile. BROADCASTING-SATELLITE 757 760 Earth Exploration-Satellite (passive). Radio Astronomy. Space Research (passive). 758 759 765	2655–2690 FIXED 762 764 FIXED-SATELLITE (Earth-to-space) (space-to-Earth) 761 MOBILE except aeronautical mobile. BROADCASTING-SATELLITE 757 760 Earth Exploration-Satellite (passive). Radio Astronomy. Space Research (passive). 765	2655–2690 FIXED 762 764 FIXED-SATELLITE (Earth-to-space) 761 MOBILE except aeronautical mobile. BROADCASTING-SATELLITE 757 760 Earth Exploration-Satellite (passive). Radio Astronomy. Space Research (passive). 765 766	2655–2690 Earth Exploration-Satellite (passive). Radio Astronomy. Space Research (passive). US205 US269	2655–2690 FIXED. BROADCASTING-SATELLITE. Earth Exploration-Satellite (passive). Radio Astronomy. Space Research (passive). US205 US269 NG47 NG101 NG102	AUXILIARY BROADCASTING (74). PRIVATE OPERATIONAL-FIXED MICROWAVE (94).	
2690–2700	EARTH EXPLORATION-SATELLITE (passive). RADIO ASTRONOMY. SPACE RESEARCH (passive).		2690–2700 EARTH EXPLORATION-SATELLITE (passive). RADIO ASTRONOMY. SPACE RESEARCH (passive).	2690–2700 EARTH EXPLORATION-SATELLITE (passive). RADIO ASTRONOMY. SPACE RESEARCH (passive).		

International table			United States table		FCC use designators	
Region 1—allocation MHz (1)	Region 2—allocation MHz (2)	Region 3—allocation MHz (3)	Government	Non-Government	Rule part(s) (6)	Special-use frequencies (7)
			Allocation MHz (4)	Allocation MHz (5)		
	767 768 769		US74 US246	US74 US246		
2700–2900	AERONAUTICAL RADIONAVIGATION 717. Radiolocation. 770 771		2700–2900 AERONAUTICAL RADIONAVIGATION 717. METEOROLOGICAL AIDS. Radiolocation. 770 US18 G2 G15	2700–2900 717 770 US18		
2900–3100	RADIONAVIGATION. Radiolocation. 772 773 775A		2900–3100 MARITIME RADIONAVIGATION 775A Radiolocation. US44 US316 G56	2900–3100 MARITIME RADIONAVIGATION 775A Radiolocation. US44 US316	MARITIME (80).	
3100–3300	RADIOLOCATION. 713 777 778	RADIOLOCATION.	3100–3300 Radiolocation. 713 778 US110 G59	3100–3300 713 778 US110		
3300–3400 RADIOLOCATION 778 779 780	3300–3400 RADIOLOCATION. Amateur. Fixed. Mobile. 778 780	3300–3400 RADIOLOCATION. Amateur. 778 779	3300–3500 RADIOLOCATION. 664 778 US108 G31	3300–3500 Amateur. Radiolocation. 664 778 US108	Amateur (97).	
3400–3600	3400–3500					

FIXED. FIXED-SATELLITE (space-to-Earth). Mobile. Radiolocation.	FIXED. FIXED-SATELLITE (space-to-Earth). Amateur. Mobile. Radiolocation 784 664 783					
781 782 785	3500–3700 FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE except aeronautical mobile Radiolocation 784		3500–3600 AERONAUTICAL RADIONAVIGATION (ground-based). RADIOLOCATION US110 G59 G110	3500–3600 Radiolocation. US110		
3600–4200 FIXED. FIXED-SATELLITE (space-to-Earth). Mobile.	786		3600–3700 AERONAUTICAL RADIONAVIGATION (ground-based). RADIOLOCATION US110 US245 G59 G110	3600–3700 FIXED-SATELLITE (space-to-Earth). Radiolocation. US110 US245		
	3700–4200 FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE except aeronautical mobile. 787		3700–4200	3700–4200 FIXED. FIXED-SATELLITE (space-to-Earth). NG41	DOMESTIC PUBLIC FIXED (21). SATELLITE COMMUNICATIONS (25).	
4200–4400	AERONAUTICAL RADIONAVIGATION 789 788 790 791		4200–4400 AERONAUTICAL RADIONAVIGATION. 791 US261	4200–4400 AERONAUTICAL RADIONAVIGATION. 791 US261	AVIATION (87).	
4400–4500	FIXED. MOBILE.		4400–4500 FIXED. MOBILE.	4400–4500		
4500–4800			4500–4800	4500–4800		

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE. 792		FIXED. MOBILE. US245	FIXED-SATELLITE (space-to-Earth). US245		
4800-4990	FIXED. MOBILE 793 Radio Astronomy. 720 778 794		4800-4990 FIXED. MOBILE. 720 778 US203 US257	4800-4990 720 778 US203 US257		
4990-5000	FIXED. MOBILE except aeronautical mobile. RADIO ASTRONOMY. Space Research (passive). 795		4990-5000 RADIO ASTRONOMY. Space Research (passive). US74 US246	4990-5000 RADIO ASTRONOMY. Space Research (passive). US74 US246		
5000-5250	AERONAUTICAL RADIONAVIGATION. 733 796 797 797A 797B		5000-5250 AERONAUTICAL RADIONAVIGATION. 733 796 797 797A US211 US260 US307	5000-5250 AERONAUTICAL RADIONAVIGATION. 733 796 797 797A US211 US260 US307	AVIATION (87). Satellite communication (25).	
5250-5255	RADIOLOCATION. Space Research. 713 798		5250-5350 RADIOLOCATION. 713 US110 G59	5250-5350 Radiolocation. 713 US110		
5255-5350	RADIOLOCATION. 713 798					

5350-5460	AERONAUTICAL RADIONAVIGATION 799 Radiolocation.		5350-5460 AERONAUTICAL RADIONAVIGATION 799 RADIOLOCATION. US48 G56	5350-5460 AERONAUTICAL RADIONAVIGATION 799 Radiolocation. US48	AVIATION (87).	
5460-5470	RADIONAVIGATION 799 Radiolocation.		5460-5470 RADIONAVIGATION 799 Radiolocation. US49 US65 G56	5460-5470 RADIONAVIGATION 799 Radiolocation. US49 US65		
5470-5650	MARITIME RADIONAVIGATION Radiolocation. 800 801 802		5470-5600 MARITIME RADIONAVIGATION. Radiolocation. US50 US65 G56	5470-5600 MARITIME RADIONAVIGATION Radiolocation. US50 US65	MARITIME (80).	
			5600-5650 MARITIME RADIONAVIGATION. METEOROLOGICAL AIDS. Radiolocation 772 802 US51 US65 G56	5600-5650 MARITIME RADIONAVIGATION. METEOROLOGICAL AIDS. Radiolocation. 772 802 US51 US65	MARITIME (80).	
5650-5725	RADIOLOCATION. Amateur. Space Research (deep space). 664 801 803 804 805		5650-5850 RADIOLOCATION. 664 806 808 G2	5650-5850 Amateur. 644 806 808	Amateur (97). Industrial, Scientific, and Medical Equipment (18).	58000±75 MHz Industrial, scientific and medical frequency.
5725-5850 FIXED-SATELLITE (Earth-to-space). RADIOLOCATION. Amateur. 801 803 805 806 807 808	5725-5850 RADIOLOCATION. Amateur. 803 805 806 808					
5850-5925	5850-5925	5850-5925	5850-5925	5850-5925		

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE. 806	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE. Amateur. Radiolocation. 806	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE. Radiolocation. 806	RADIOLOCATION. 806 US245 G2	FIXED-SATELLITE (Earth-to-space). Amateur. 806 US245	Amateur (97).	
5925–7075	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE. 791 809		5925–7125 791 809	5925–6425 FIXED. FIXED SATELLITE (Earth-to-space). NG41	DOMESTIC PUBLIC FIXED (21). SATELLITE COMMUNICATIONS (25).	
				6425–6525 FIXED-SATELLITE (Earth-to-space). MOBILE 791 809	AUXILIARY BROADCAST (74) CABLE TELEVISION (78) DOMESTIC PUBLIC FIXED (21) PRIVATE OPERATIONAL-FIXED MICROWAVE (94)	
				6525–6875 FIXED. FIXED-SATELLITE (Earth-to-space). 809	PRIVATE OPERATION-FIXED MICROWAVE (94).	
				6875–7075		

				FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE 809 NG118	AUXILIARY BROADCAST (74) CABLE TELEVISION (78) DOMESTIC PUBLIC FIXED (21)	
7075-7250	FIXED. MOBILE. 809 810 811			7075-7125 FIXED MOBILE. 809 NG118	AUXILIARY BROADCAST (74) CABLE TELEVISION (78) DOMESTIC PUBLIC FIXED (21)	
			7125-7190 FIXED. 809 US252 G116	7125-8450 809 US252 US258		
			7190-7235 FIXED. SPACE RESEARCH (Earth-to-space). 809			
			7235-7250 FIXED. 809			
7250-7300	FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE. 812		7250-7300 FIXED-SATELLITE (space-to-Earth). MOBILE-SATELLITE (space-to-Earth). Fixed. G117			
7300-7450	FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE except aeronautical mobile. 812		7300-7450 FIXED. FIXED-SATELLITE (space-to-Earth). Mobile-Satellite (space-to-Earth). G117			
7450-7550			7450-7550			

International table			United States table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	FIXED. FIXED-SATELLITE (space-to-Earth). METEOROLOGICAL-SATELLITE (space-to-Earth). MOBILE except aeronautical mobile.		FIXED. FIXED-SATELLITE (space-to-Earth). METEOROLOGICAL-SATELLITE (space-to-Earth). Mobile-Satellite (space-to-Earth). G104 G117			
7550–7750	FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE except aeronautical mobile.		7550–7750 FIXED. FIXED-SATELLITE (space-to-Earth). Mobile-Satellite (space-to-Earth). G117			
7750–7900	FIXED. MOBILE except aeronautical mobile.		7750–7900 FIXED.			
7900–7975	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE. 812		7900–8025 FIXED-SATELLITE (Earth-to-space). MOBILE-SATELLITE (Earth-to-space). Fixed. G117			
7975–8025	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE. 812					
8025–8175	8025–8175	8025–8175	8025–8175			

FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE. Earth Exploration-Satellite (space-to-Earth) 813 815	EARTH EXPLORATION-SATELLITE (space-to-Earth). FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE 814	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE. Earth Exploration-Satellite (space-to-Earth) 813 815	EARTH EXPLORATION-SATELLITE (space-to-Earth). FIXED. FIXED-SATELLITE (Earth-to-space). Mobile-Satellite (Earth-to-space) (no airborne transmission). US258 G117			
8175–8215 FIXED. FIXED-SATELLITE (Earth-to-space). METEOROLOGICAL-SATELLITE (Earth-to-space). MOBILE. Earth Exploration-Satellite (space-to-Earth) 813 815	8175–8215 EARTH EXPLORATION-SATELLITE (space-to-Earth). FIXED. FIXED-SATELLITE (Earth-to-space). METEOROLOGICAL-SATELLITE (Earth-to-space). MOBILE 814	8175–8215 FIXED. FIXED-SATELLITE (Earth-to-space). METEOROLOGICAL-SATELLITE (Earth-to-space). MOBILE. Earth Exploration-Satellite (space-to-Earth) 813 815	8175–8215 EARTH EXPLORATION SATELLITE (space-to-Earth). FIXED. FIXED-SATELLITE (Earth-to-space). METEOROLOGICAL-SATELLITE (Earth-to-space). Mobile-Satellite (Earth-to-space) (no airborne transmissions). US258 G104 G117			
8215–8400 FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE. Earth Exploration-Satellite (space-to-Earth) 813 815	8125–8400 EARTH EXPLORATION-SATELLITE (space-to-Earth). FIXED. FIXED-SATELLITE. (Earth-to-space). MOBILE 814	8215–8400 FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE. Earth Exploration-Satellite (space-to-Earth) 813 815	8215–8400 EARTH EXPLORATION SATELLITE (space-to-Earth). FIXED. FIXED-SATELLITE (Earth-to-space). Mobile-Satellite (Earth-to-space) (no airborne transmissions). US258 G117			
8400–8500	FIXED. MOBILE except aeronautical mobile. SPACE RESEARCH (space-to-Earth) 816 817		8400–8450 FIXED. SPACE RESEARCH (space-to-Earth) (deep space only).			

International table			United States table		FCC use designators	
Region 1—allocation MHz (1)	Region 2—allocation MHz (2)	Region 3—allocation MHz (3)	Government Allocation MHz (4)	Non-Government Allocation MHz (5)	Rule part(s) (6)	Special-use frequencies (7)
	818		8450–8500 FIXED. SPACE RESEARCH (space-to-Earth).	8450–8500 SPACE RESEARCH (space-to-Earth).		
8500–8750	RADIOLOCATION. 713 819 820		8500–9000 RADIOLOCATION. 713 US53 US110 G59	8500–9000 Radiolocation. 713 US53 US110		
8750–8850	RADIOLOCATION. AERONAUTICAL RADIONAVIGATION 821 822					
8850–9000	RADIOLOCATION. MARITIME RADIONAVIGATION 823 824					
9000–9200	AERONAUTICAL RADIONAVIGATION 717 Radiolocation. 822		9000–9200 AERONAUTICAL RADIONAVIGATION 717 Radiolocation. US48 US54 G2 G19	9000–9200 AERONAUTICAL RADIONAVIGATION 717 Radiolocation. US48 US54	AVIATION (87).	
9200–9300	RADIOLOCATION. MARITIME RADIONAVIGATION 823		9200–9300 MARITIME RADIONAVIGATION. RADIOLOCATION.	9200–9300 MARITIME RADIONAVIGATION. Radiolocation.		

	824 824A		US110 G59 823 824A	US110 823 824A		
9300–9500	RADIONAVIGATION RADIOLOCATION. 825A 775A 824A 825		9300–9500 RADIONAVIGATION 825A Meteorological Aids. Radiolocation. 775A 824A US51 US66 US67 US71 G56	9300–9500 RADIONAVIGATION 825A Meteorological Aids. Radiolocation. 775A 824A US51 US66 US67 US71		
9500–9800	RADIOLOCATION. RADIONAVIGATION. 713		9500–10,000 RADIOLOCATION. 713 828 US110	9500–10,000 Radiolocation. 713 828 US110		
9800–10,000	RADIOLOCATION. Fixed. 826 827 828					

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1—allocation GHz (1)	Region 2—allocation GHz (2)	Region 3—allocation GHz (3)	Allocation GHz (4)	Allocation GHz (5)	Rule part(s) (6)	Special-use frequencies (7)
10.0–10.45 FIXED. MOBILE. RADIOLOCATION. Amateur. 828	10.00–10.45 RADIOLOCATION. Amateur. 828 829	10.00–10.45 FIXED. MOBILE. RADIOLOCATION. Amateur. 828	10.0–10.45 RADIOLOCATION. 828 US58 US108 G32	10.0–10.45 Amateur. Radiolocation. 828 US58 US108 NG42	Amateur (97). Private Land Mobile (90).	
10.45–10.5	RADIOLOCATION. Amateur. Amateur-Satellite. 830		10.45–10.50 RADIOLOCATION. US58 US108 G32	10.45–10.50 Amateur. Amateur-Satellite. Radiolocation. US58 US108 NG42 NG134	Amateur (97). Private Land Mobile (90).	
10.50–10.55	10.50–10.55		10.50–10.55	10.50–10.55		

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1—allocation GHz (1)	Region 2—allocation GHz (2)	Region 3—allocation GHz (3)	Allocation GHz (4)	Allocation GHz (5)	Rule part(s) (6)	Special-use frequencies (7)
FIXED. MOBILE. Radiolocation.	FIXED. MOBILE. RADIOLOCATION.		RADIOLOCATION. US59	RADIOLOCATION. US59	PRIVATE LAND MOBILE (90).	
10.55–10.60	FIXED. MOBILE except aeronautical mobile. Radiolocation.		10.55–10.60	10.55–10.60 FIXED.	DOMESTIC PUBLIC FIXED (21).	
10.60–10.68	EARTH EXPLORATION-SATELLITE (passive). FIXED. MOBILE except aeronautical mobile. RADIO ASTRONOMY. SPACE RESEARCH (passive). Radiolocation. 831 832		10.60–10.68 EARTH-EXPLORATION-SATELLITE (passive). SPACE REASEARCH (passive). US265 US277	10.60–10.68 EARTH EXPLORATION-SATELLITE (passive). FIXED. SPACE RESEARCH (passive). US265 US277	DOMESTIC PUBLIC FIXED (21).	
10.68–10.70	EARTH EXPLORATION-STATELLITE (passive). RADIO ASTRONOMY. SPACE RESEARCH (passive). 833 834		10.68–10.70 EARTH-EXPLORATION-SATELLITE (passive). RADIO ASTRONOMY. SPACE RESEARCH (passive). US74 US246	10.68–10.70 EARTH EXPLORATION-STATELLITE (passive). RADIO ASTRONOMY. SPACE RESEARCH (passive). US74 US246		
10.7–11.7 FIXED. FIXED-SATELLITE (space-to Earth). (Earth-to-space) 835 MOBILE except aeronautical mobile.	10.7–11.7 FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE except aeronautical mobile.		10.7–11.7	10.7–11.7 FIXED. FIXED-SATELLITE (space-to-Earth).	DOMESTIC PUBLIC FIXED (21).	

11.7-12.5 FIXED. BROADCASTING. BROADCASTING-SATELLITE. Mobile except aeronautical mobile. 838 840	11.7-12.1 FIXED 837 FIXED-SATELLITE (space-to Earth). Mobile except aeronautical mobile. 836 839 840	11.7-12-2 FIXED. MOBILE except aeronautical mobile. BROADCASTING. BROADCASTING-SATELLITE. 838 840	US211 11.7-12.2 839 840	US211 NG41 NG104 11.7-12.2 FIXED.SATELLITE (space-to Earth). Mobile except aeronautical mobile. 839 840 NG143 NG145	DOMESTIC PUBLIC FIXED (21). SATELLITE COMMUNICATION (25).	
	12.1-12.3 FIXED 837 FIXED-SATELLITE (spaco-to-Earth). MOBILE except aeronautical mobile. BROADCASTING. BROADCASTING-SATELLITE. 839 840 841 842 843 844					
		12.2-12.5 FIXED. MOBILE except aeronautical mobile. BROADCASTING. 838 840 845	12.2-12.7 839 840 843 844	12.2-12.7 FIXED. BROADCASTING-SATELLITE. 839 840 843 844 NG139	INTERNATIONAL PUBLIC (23). PRIVATE OPERATIONAL-FIXED MICROWAVE (94). DIRECT BROADCAST SATELLITE SERVICE (100).	
	12.3-12.7 FIXED. MOBILE except aeronautical mobile. BROADCASTING. BROADCASTING-SATELLITE. 839 840 843 844 846					
12.5-12 75 FIXED-SATELLITE (space-to-Earth) (Earth-to-space).		12.5-12.75 FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE except aeronautical mobile.				

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1—allocation GHz (1)	Region 2—allocation GHz (2)	Region 3—allocation GHz (3)	Allocation GHz (4)	Allocation GHz (5)	Rule part(s) (6)	Special-use frequencies (7)
840 848 849 850	12.7–12.75 FIXED. FIXED-SATELLITE. MIBILE except aeronautical mobile. 840	BROADCASTING-SATELLITE 847 840	12.7–12.75 840	12.7–12.75 FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE. 840 NG53 NG118	AUXILIARY BROADCASTING (74). CABLE TELEVISION RELAY (78). PRIVATE OPERATIONAL-FIXED MICROWAVE (94).	
12.75.13–25	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE Space Research (deep space) (space-to-Earth).		12.75–13.25 US251	12.75–13.25 FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE. US251 NG53 NG104 NG118	AUXILIARY BROADCASTING (74). CABLE TELEVISION RELAY (78). DOMESTIC PUBLIC FIXED (21). PRIVATE OPERATIONAL-FIXED MICROWAVE (94).	
13.25–13.40	AERONAUTICAL RADIONAVIGATION 851 852 853		13.25–13.40 AERONAUTICAL RADIONAVIGATION 851 Space Research (Earth-to-space)	13.25–13.40 AERONAUTICAL RADIONAVIGATION 851 Space Research (Earth-to-space).	AVIATION (87).	
13.4–14.0	RADIOLOCATION. Standard Frequency and Time Signal-Satellite (Earth-to-space). Space Research. 713 853 854 855		13.4–14.0 RADIOLOCATION. Standard Frequency and Time Signal-Satellite (Earth-to-space). Space Research 713 US110 G59	13.4–14.0 Radiolocation. Standard Frequency and Time Signal-Satellite (Earth-to-space). Space Research 713 US110	PRIVATE LAND MOBILE (90).	

14.00–14.25	FIXED-SATELLITE (Earth-to-space) 858 RADIONAVIGATION 856 Space Research. 857 859		14.0–14.2 RADIONAVIGATION. Space Research. US287 292	14.0–14.2 FIXED-SATELLITE (Earth-to-space). RADIONAVIGATION. Space Research. US287 US292	Aviation (87). MARITIME (80). SATELLITE COMMUNICATION (25).	
14.25–14.30	FIXED-SATELLITE (Earth-to-space) 858 RADIONAVIGATION 856 Space Research. 857 859 860 861		14.2–14.3 US287	14.2–14.3 Fixed-satellite (Earth-to-space) Mobile except aeronautical mobile. US287	Satellite communications (25). Domestic public fixed (21).	
14.3–14.4 FIXED. FIXED-SATELLITE (Earth-to-space) 858 MOBILE except aeronautical mobile. Radionavigation-Satellite. 859	14.3–14.4 FIXED-SATELLITE (Earth-to-space) 858 Radionavigation-Satellite. 859	14.3–14.4 FIXED. FIXED-SATELLITE (Earth-to-space) 858 MOBILE except aeronautical mobile. Radionavigation-Satellite. 859	14.3–14.4 US287	14.3–14.4 Fixed-satellite (Earth-to-space) Mobile except aeronautical mobile. US287	Satellite communication (25). Domestic public fixed (21).	
14.40–14.47	FIXED. FIXED-SATELLITE (Earth-to-space) 858 MOBILE except aeronautical mobile. Space Research (space-to-Earth). 859		14.4–14.5 Fixed. Mobile. 862 US203 US287	14.4–14.5 FIXED-SATELLITE (Earth-to-space). 862 US203 US287	SATELLITE COMMUNICATION (25).	
14.47–14.50						

International table			United States table		FCC use designators	
Region 1—allocation GHz (1)	Region 2—allocation GHz (2)	Region 3—allocation GHz (3)	Government Allocation GHz (4)	Non-Government Allocation GHz (5)	Rule part(s) (6)	Special-use frequencies (7)
	FIXED. FIXED-SATELLITE (Earth-to-space) 858 MOBILE except aeronautical mobile. Radio Astronomy. 859 862					
14.5-14.8	FIXED. FIXED-SATELLITE (Earth-to-space) 863 MOBILE. Space Research.		14.5000-14.7145 FIXED. Mobile. Space Research.	14.50-15.35		
			14.7145-15.1365 MOBILE. Fixed. Space Research. US310 G119			
14.80-15.35	FIXED. MOBILE. Space Research. 720		15.1365-15.35 FIXED. Mobile. Space Research. 720 US211	720 US211 US310		
15.35-15.40	EARTH EXPLORATION-SATELLITE (passive). RADIO ASTRONOMY. SPACE RESEARCH (passive). 864 865		15.35-15.40 EARTH EXPLORATION-SATELLITE (passive). RADIO ASTRONOMY. SPACE RESEARCH (passive). US74 US246	15.35-15.40 EARTH EXPLORATION-SATELLITE (passive). RADIO ASTRONOMY. SPACE RESEARCH (passive). US74 US246		
15.4-15.7			15.4-15.7	15.4-15.7		

	AERONAUTICAL RADIONAVIGATION. 733 797		AERONAUTICAL RADIONAVIGATION. 733 797 US211 US260	AERONAUTICAL RADIONAVIGATION. 733 797 US211 US260	AVIATION (87).	
15.7–16.6	RADIOLOCATION. 866 867		15.7–16.6 RADIOLOCATION. US110 G59	15.7–17.2 Radiolocation. US110	Private Land Mobile (90).	
16.6–17.1	RADIOLOCATION. Space Research (deep space) (Earth-to-space). 866 867		16.6–17.1 RADIOLOCATION. Space Research (deep space) (Earth-to-space). US110 G59			
17.1–17.2	RADIOLOCATION. 866 867		17.1–17.2 RADIOLOCATION. US110 G59			
17.2–17.3	RADIOLOCATION. Earth Exploration-Satellite (active). Space Research (active). 866 867		17.2–17.3 RADIOLOCATION. Earth Exploration-Satellite (active). Space Research (active). US110 G59	17.2–17.3 Radiolocation. Earth Exploration-Satellite (active). Space Research (active). US110	Private Land Mobile (90).	
17.3–17.7	FIXED-SATELLITE (Earth-to-space) 869 Radiolocation. 868		17.3–17.7 Radiolocation. US259 US271 G59	17.3–17.7 FIXED-SATELLITE (Earth-to-space). US259 US271 NG140		
17.7–18.1	FIXED. FIXED-SATELLITE (space-to-Earth) (Earth-to-space) 869 MOBILE.		17.7–17.8 US271	17.7–17.8 FIXED. FIXED-SATELLITE (space-to-Earth) (Earth-to-space). MOBILE. US271 NG140 NG144	AUXILIARY BROADCASTING (74). CABLE TELEVISION RELAY (78). DOMESTIC PUBLIC FIXED (21) PRIVATE OPERATIONAL-FIXED MICROWAVE (94).	
			17.8–18.6	17.8–18.6		

International table			United States table		FCC use designators	
Region 1—allocation GHz	Region 2—allocation GHz	Region 3—allocation GHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation GHz	Allocation GHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
18.1–18.6	FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE. 870		870	FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE. 870 NG144	AUXILIARY BROADCASTING (74). CABLE TELEVISION RELAY (78). DOMESTIC PUBLIC FIXED (21). PRIVATE OPERATIONAL-FIXED MICROWAVE (94).	
18.6–18.8 FIXED. FIXED-SATELLITE (space-to-Earth) 872 MOBILE except aeronautical mobile. Earth Exploration-Satellite (passive). Space Research (passive). 871	18.6–18.8 EARTH EXPLORATION-SATELLITE (passive). FIXED. FIXED-SATELLITE (space-to-Earth) 872 MOBILE except aeronautical mobile. SPACE RESEARCH (passive). 871	18.6–18.8 FIXED. FIXED-SATELLITE (space-to-Earth) 872 MOBILE except aeronautical mobile. Earth-Exploration-Satellite (passive). Space Research (passive). 871	18.6–18.8 EARTH EXPLORATION-SATELLITE (passive). SPACE RESEARCH (passive). US254 US255	18.6–18.8 EARTH EXPLORATION-SATELLITE (passive). FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE except aeronautical mobile. SPACE RESEARCH (passive). US254 US255	AUXILIARY BROADCASTING (74). CABLE TELEVISION RELAY (78). DOMESTIC PUBLIC FIXED (21). PRIVATE OPERATIONAL-FIXED MICROWAVE (94).	
18.8–19.7	FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE.		18.8–19.7	18.8–19.7 FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE.	AUXILIARY BROADCASTING (74). CABLE TELEVISION RELAY (78). DOMESTIC PUBLIC FIXED (21) PRIVATE OPERATIONAL-FIXED MICROWAVE (94).	
19.7–20.2	FIXED-SATELLITE (space-to-Earth). MOBILE-SATELLITE (space-to-Earth).		19.7–20.2	19.7–20.2 FIXED SATELLITE (space-to-Earth). Mobile-Satellite (space-to-Earth).		

	873					
20.2–21.2	FIXED-SATELLITE (space-to-Earth). MOBILE-SATELLITE (space-to-Earth). Standard Frequency and Time Signal-Satellite (space-to-Earth). 873		20.2–21.2 FIXED-SATELLITE (space-to-Earth). MOBILE-SATELLITE (space-to-Earth). Standard Frequency and Time Signal-Satellite (space-to-Earth). G117	20.2–21.2 Standard Frequency and Time Signal-Satellite (space-to-Earth).		
21.2–21.4	EARTH EXPLORATION-SATELLITE (passive). FIXED. MOBILE. SPACE RESEARCH (passive).		21.2–21.4 EARTH EXPLORATION-SATELLITE (passive). FIXED. MOBILE. SPACE RESEARCH (passive). US263	21.2–21.4 EARTH EXPLORATION-SATELLITE (passive). FIXED. MOBILE. SPACE RESEARCH (passive). US263	21.2–21.4 DOMESTIC PUBLIC FIXED (21). PRIVATE OPERATIONAL-FIXED MICROWAVE (94).	
21.4–22.0	FIXED. MOBILE.		21.4–22.0 FIXED. MOBILE.	21.4–22.0 FIXED. MOBILE.	DOMESTIC PUBLIC FIXED (21). PRIVATE OPERATIONAL-FIXED MICROWAVE (94).	
22.00–22.21	FIXED. MOBILE except aeronautical mobile. 874		22.00–22.21 FIXED. MOBILE except aeronautical mobile. 874	22.00–22.21 FIXED. MOBILE except aeronautical mobile. 874	DOMESTIC PUBLIC MOBILE (22). PRIVATE OPERATIONAL-FIXED MICROWAVE (94).	
22.21–22.50	EARTH EXPLORATION-SATELLITE (passive). FIXED. MOBILE except aeronautical mobile. RADIO ASTRONOMY. SPACE RESEARCH (passive). 875 876		22.21–22.50 EARTH EXPLORATION-SATELLITE (passive). FIXED. MOBILE except aeronautical mobile. RADIO ASTRONOMY. SPACE RESEARCH (passive). 875 US263	22.21–22.50 EARTH EXPLORATION SATELLITE (passive). FIXED. MOBILE except aeronautical mobile. RADIO ASTRONOMY. SPACE RESEARCH (passive). 875 US263	DOMESTIC PUBLIC FIXED (21). PRIVATE OPERATIONAL-FIXED MICROWAVE (94).	

International table			United States table		FCC use designators	
Region 1—allocation GHz	Region 2—allocation GHz	Region 3—allocation GHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation GHz	Allocation GHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
22.50-22.55 FIXED MOBILE	22.50-22.55 BROADCASTING-SATELLITE 877 FIXED MOBILE 878		22.50-22.55 FIXED MOBILE US211	22.50-22.55 BROADCASTING-SATELLITE FIXED MOBILE US211	DOMESTIC PUBLIC FIXED (21) PRIVATE OPERATIONAL-FIXED MICROWAVE (94)	
22.55-23.00 FIXED INTER-SATELLITE MOBILE 879	22.55-23.00 BROADCASTING-SATELLITE 877 FIXED INTER-SATELLITE MOBILE 878 879		22.55-23.00 FIXED INTER-SATELLITE MOBILE 879 US278	22.55-23.00 BROADCASTING-SATELLITE FIXED INTER-SATELLITE MOBILE 879 US278	DOMESTIC PUBLIC FIXED (21) PRIVATE OPERATIONAL-FIXED MICROWAVE (94)	
23.00-23.55	FIXED INTER-SATELLITE MOBILE 879		23.00-23.55 FIXED INTER-SATELLITE MOBILE 879 US278	23.00-23.55 FIXED INTER-SATELLITE MOBILE 879 US278	DOMESTIC PUBLIC FIXED (21) PRIVATE OPERATIONAL-FIXED MICROWAVE (94).	
23.55-23.60	FIXED MOBILE		23.55-23.60 FIXED MOBILE	23.55-23.60 FIXED MOBILE	DOMESTIC PUBLIC FIXED (21) PRIVATE OPERATIONAL-FIXED MICROWAVE (94).	
23.6-24.0	EARTH EXPLORATION SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 880		23.6-24.0 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) US74 US246	23.6-24.0 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) US74 US246		

24.00-24.05	AMATEUR AMATEUR-SATELLITE 881		24.00-24.05 881 US211	24.00-24.05 AMATEUR AMATEUR-SATELLITE 881 US211	AMATEUR (97)	
24.05-24.25	RADIOLOCATION Amateur Earth Exploration-Satellite (active) 881		24.05-24.25 RADIOLOCATION Earth Exploration-Satellite (active) 881 US110 G59	24.05-24.25 Amateur Radiolocation Earth Exploration-Satellite (active) 881 US110	Amateur (97) Private Land Mobile (90)	24.125 ± 125 GHz: Industrial, scientific and medical frequency
24.25-25.25	RADIONAVIGATION		24.25-25.25 RADIONAVIGATION	24.24-25.25 RADIONAVIGATION	AVIATION (87)	
25.25-27.00	FIXED MOBILE Earth Exploration-Satellite (space-to-space) Standard Frequency and Time Signal-Satellite (Earth-to-space)		25.25-27.00 FIXED MOBILE Earth Exploration-Satellite (space-to-space) Standard Frequency and Time Signal-Satellite (Earth-to-space)	25.25-27.00 Earth Exploration-Satellite (space-to-space) Standard Frequency and Time Signal-Satellite (Earth-to-space)		
27.0-27.5 FIXED MOBILE Earth Exploration-Satellite (space-to-space)	27.0-27.5 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE Earth Exploration-Satellite (space-to-space)		27.0-27.5 FIXED MOBILE Earth Exploration-Satellite (space-to-space)	27.0-27.5 Earth Exploration-Satellite (space-to-space)		
27.5-29.5	FIXED FIXED-SATELLITE (Earth-to-space) MOBILE		27.5-29.5	27.5-29.5 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE	DOMESTIC PUBLIC FIXED (21)	
29.5-30.0	FIXED-SATELLITE (Earth-to-space) Mobile-Satellite (Earth-to-space) 882 883		29.5-30.0 882	29.5-30.0 FIXED-SATELLITE (Earth-to-space) Mobile-Satellite (Earth-to-space) 882		

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International table			United States table		FCC use designators	
Region 1—allocation GHz (1)	Region 2—allocation GHz (2)	Region 3—allocation GHz (3)	Government Allocation GHz (4)	Non-Government Allocation GHz (5)	Rule part(s) (6)	Special-use frequencies (7)
30.0–31.0	FIXED-SATELLITE (Earth-to-space) MOBILE-SATELLITE (Earth-to-space) Standard Frequency and Time Signal-Satellite (space-to-Earth) 883		30.0–31.0 FIXED-SATELLITE (Earth-to-space) MOBILE-SATELLITE (Earth-to-space) Standard Frequency and Time Signal-Satellite (space-to-Earth) G117	30.0–31.0 Standard Frequency and Time Signal-Satellite (space-to-Earth)		
31.0–31.3	FIXED MOBILE Standard Frequency and Time Signal-Satellite (space-to-Earth) Space Research 884 885 886		31.0–31.3 Standard Frequency and Time Signal-Satellite (space-to-Earth) 886 US211	31.0–31.3 FIXED MOBILE Standard Frequency and Time Signal-Satellite (space-to-Earth) 886 US211	AUXILIARY BROADCASTING (74) DOMESTIC PUBLIC FIXED (21) CABLE TELEVISION RELAY (78) GENERAL MOBILE RADIO (95) PRIVATE OPERATIONAL-FIXED MICROWAVE (94)	
31.3–31.5	EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 887		31.3–31.8 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive)	31.3–31.8 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive)		
31.5–31.8 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) Fixed Mobile except aeronautical mobile	31.5–31.8 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive)	31.5–31.8 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) Fixed Mobile except aeronautical mobile				

[illegible] [illegible]	[illegible]	[illegible]	US74 US246	US74 US246		
31.8-32.0	RADIONAVIGATION Space Research 890 891 892		31.8-32.0 RADIONAVIGATION US69 US211 US262	31.8-32.0 RADIONAVIGATION US69 US211 US262		
32.0-32.3	INTER-SATELLITE RADIONAVIGATION Space Research 890 891 892 893		32.0-33.0 INTER-SATELLITE RADIONAVIGATION 893 US69 US262 US278	32.0-33.0 INTER-SATELLITE RADIONAVIGATION 893 US69 US262 US278		
32.3-33.0	INTER-SATELLITE RADIONAVIGATION 892 893					
33.0-33.4	RADIONAVIGATION 892		33.0-33.4 RADIONAVIGATION US69	33.0-33.4 RADIONAVIGATION US69		
33.4-34.2	RADIOLOCATION 892 894		33.4-36.0 RADIOLOCATION 897 US110 US252 G34	33.4-36.0 Radiolocation 897 US110 US252	Private Land Mobile (90)	
34.2-35.2	RADIOLOCATION Space Research 895 896 894					
35.2-36.0	METEMROLOGICAL AIDS RADIOLOCATION 894 897					
36.0-37.0	EARTH EXPLORATION- SATELLITE (passive) FIXED. MOBILE. SPACE RESEARCH (passive).		36.0-37.0 EARTH EXPLORATION- SATELLITE (passive). FIXED. MOBILE. SPACE RESEARCH (passive)	36.0-37.0 EARTH EXPLORATION- SATELLITE (passive) FIXED. MOBILE. SPACE RESEARCH (passive)		

International table			United States table		FCC use designators	
Region 1—allocation GHz (1)	Region 2—allocation GHz (2)	Region 3—allocation GHz (3)	Government Allocation GHz (4)	Non-Government Allocation GHz (5)	Rule part(s) (6)	Special-use frequencies (7)
	898		898 US263	898 US263		
37.0–37.5	FIXED. MOBILE. 899		37.0–38.6 FIXED. MOBILE.	37.0–38.6 FIXED. MOBILE.	DOMESTIC PUBLIC FIXED (21). PRIVATE OPERATIONAL-FIXED MICROWAVE (94).	
37.5–39.5	FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE. 899		38.6–39.5 US291	38.6–39.5 FIXED. MOBILE. FIXED-SATELLITE (space-to-Earth), US291	DOMESTIC PUBLIC FIXED (21). PRIVATE OPERATIONAL-FIXED MICROWAVE (90). Auxiliary Broadcasting (74).	
39.5–40.5	FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE. MOBILE-SATELLITE (space-to-Earth).		39.5–40.0 FIXED-SATELLITE (space-to-Earth). MOBILE-SATELLITE (space-to-Earth). US291 G117	39.5–40.0 FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE. MOBILE-SATELLITE (space-im-Earth). US291	DOMESTIC PUBLIC FIXED (21). PRIVATE OPERATIONAL-FIXED MICROWAVE (94). Auxiliary Broadcasting (74).	
			40.0–40.5	40.0–40.5		

			FIXED-SATELLITE (space-to-Earth) MOBILE-SATELLITE (space-to-Earth) G117	FIXED-SATELLITE (space-to-Earth) MOBILE-SATELLITE (space-tm-Earth)		
40.5–42.5	BROADCASTING-SATELLITE /BROADCASTING/ Fixed Mobile		40.5–42.5 US211	40.5–42.5 BROADCASTING-SATELLITE /BROADCASTING/ Fixed Mobile US211		
42.5–43.5	FIXED FIXED-SATELLITE (Earth-to-space) 901 MOBILE except aeronautical mobile RADIO ASTRONOMY 900		42.5–43.5 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE except aeronautical mobile RADIO ASTRONOMY 900	42.5–43.5 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE except aeronautical mobile RADIO ASTRONOMY 900		
43.5–47.0	MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE 903		43.5–45.5 FIXED-SATELLITE (Earth-to-space) MOBILE-SATELLITE (Earth-to-space) G117	43.5–45.5		
			45.5–47.0 MOBILE MOBILE-SATELLITE (Earth-to-space) RADIONAVIGATION RADIONAVIGATION-SATELLITE 903	45.5–47.0 MOBILE MOBILE-SATELLITE (Earth-to-space) RADIONAVIGATION RADIONAVIGATION-SATELLITE 903		
47.0–47.2	AMATEUR AMATEUR-SATELLITE		47.0–47.2	47.0–47.2 AMATEUR AMATEUR-SATELLITE	AMATEUR (97)	
47.2–50.2			47.2–50.2	47.2–50.2		

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1—allocation GHz (1)	Region 2—allocation GHz (2)	Region 3—allocation GHz (3)	Allocation GHz (4)	Allocation GHz (5)	Rule part(s) (6)	Special-use frequencies (7)
	FIXED FIXED-SATELLITE (Earth-to-space) 901 MOBILE 905 904		FIXED FIXED-SATELLITE (Earth-to-space) MOBILE 904 US264 US297	FIXED FIXED-SATELLITE (Earth-to-space) MOBILE 904 US264 US297		
50.2–50.4	EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE SPACE RESEARCH (passive)		50.2–50.4 EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE SPACE RESEARCH (passive) US263	50.2–50.4 EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE SPACE RESEARCH (passive) US263		
50.4–51.4	FIXED FIXED-SATELLITE (Earth-to-space) MOBILE Mobile-Satellite (Earth-to-space)		50.4–51.4 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE MOBILE-SATELLITE (Earth-to-space) G117	50.4–51.4 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE MOBILE-SATELLITE (Earth-to-space)		
51.4–54.25	EARTH EXPLORATION-SATELLITE (passive) SPACE RESEARCH (passive) 906 907		51.4–54.25 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) US246	51.4–54.25 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) US246		
54.25–58.2			54.25–58.2	54.25–58.2		

	EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE MOBILE 909 SPACE RESEARCH (passive) 908		EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE MOBILE 909 SPACE RESEARCH (passive) US263	EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE MOBILE 909 SPACE RESEARCH (passive) US263		
58.2-59.0	EARTH EXPLORATION-SATELLITE (passive) SPACE RESEARCH (passive) 906 907		58.2-59.0 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) US246	58.2-59.0 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) US246		
59-64	FIXED INTER-SATELLITE MOBILE 909 RADIOLOCATION 910 911		59-64 FIXED INTER-SATELLITE MOBILE 909 RADIOLOCATION 910 911	59-64 FIXED INTER-SATELLITE MOBILE 909 RADIOLOCATION 910 911		61.25 GHz ± 250 MHz: Industrial, scientific and medical frequency
64-65	EARTH EXPLORATION-SATELLITE (passive) SPEACE RESEARCH (passive) 906 907		64-65 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) US246	64-65 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) US246		
65-66	EARTH EXPLORATION-SATELLITE SPACE RESEARCH Fixed Mobile		65-66 EARTH EXPLORATION-SATELLITE SPACE RESEARCH Fixed Mobile	65-66 EARTH EXPLORATION-SATELLITE SPACE RESEARCH Fixed Mobile		
66-71	MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE 903		66-71 MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE 903	66-71 MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE 903		

International table			United States table		FCC use designators	
Region 1—allocation GHz (1)	Region 2—allocation GHz (2)	Region 3—allocation GHz (3)	Government Allocation GHz (4)	Non-Government Allocation GHz (5)	Rule part(s) (6)	Special-use frequencies (7)
71–74	FIXED FIXED-SATELLITE (Earth-to-space) MOBILE MOBILE-SATELLITE (Earth-to-space) 906		71–74 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE MOBILE-SATELLITE (Earth-to-space) US270	71–74 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE MOBILE-SATELLITE (Earth-to-space) US270		
74.0–75.5	FIXED FIXED-SATELLITE (Earth-to-space) MOBILE		74.0–75.5 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE US297	74.0–75.5 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE US297		
75.5–76.0	AMATEUR AMATEUR-SATELLITE		75.5–76.0	75.5–76.0 AMATEUR AMATEUR-SATELLITE	AMATEUR (97)	
76–81	RADIOLOCATION Amateur Amateur-Satellite 912		76–81 RADIOLOCATION 912	76–81 RADIOLOCATION Amateur Amateur-Satellite 912	Amateur (97)	
81–84	FIXED FIXED-SATELLITE (space-to-Earth) MOBILE MOBILE-SATELLITE (space-to-Earth)		81–84 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE MOBILE-SATELLITE (space-to-Earth)	81–84 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE MOBILE-SATELLITE (space-to-Earth)		
84–86			84–86	84–86		

	FIXED MOBILE BROADCASTING BROADCASTING-SATELLITE 913		FIXED MOBILE 913 US211	FIXED MOBILE BROADCASTING BROADCASTING-SATELLITE 913 US211		
86-92	EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 907		86-92 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) US74 US246	86-92 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) US74 US246		
92-95	FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIOLOCATION 914		92-95 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIOLOCATION 914	92-95 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE RADIOLOCATION 914		
95-100	MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE Radiolocation 903 904		95-100 MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE Radiolocation 903 904	95-100 MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE Radiolocation 903 904		
100-102	EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE SPACE RESEARCH (passive) 722		100-102 EARTH EXPLORATION-SATELLITE (passive) SPACE RESEARCH (passive) 722 US246	100-102 EARTH EXPLORATION-SATELLITE (passive) SPACE RESEARCH (passive) 722 US246		
102-105	FIXED FIXED-SATELLITE (space-to-Earth) 722		102-105 FIXED FIXED-SATELLITE (space-to-Earth) 722 US211	102-105 FIXED FIXED-SATELLITE (space-to-Earth) 722		

International table			United States table		FCC use designators	
Region 1—allocation GHz (1)	Region 2—allocation GHz (2)	Region 3—allocation GHz (3)	Government Allocation GHz (4)	Non-Government Allocation GHz (5)	Rule part(s) (6)	Special-use frequencies (7)
105–116	EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 722 907		105–116 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 722 US74 US246	105–116 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 722 US74 US246		
116–126	EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE MOBILE 909 722 915 916		116–126 EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE MOBILE 909 SPACE RESEARCH (passive) 722 915 916 US211 US263	116–126 EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE MOBILE 909 SPACE RESEARCH (passive) 722 915 916 US211 US263		122.5 ± .5 GHz: Industrial scientific and medical frequency
126–134	FIXED INTER-SATELLITE MOBILE 909 RADIOLOCATION 910		126–134 FIXED INTER-SATELLITE MOBILE 909 RADIOLOCATION 910	126–134 FIXED INTER-SATELLITE MOBILE 909 RADIOLOCATION 910		
134–142	MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE Radiolocation 903 917 918		134–142 MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE Radiolocation 903 917 918	134–142 MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE Radiolocation 903 917 918		
142–144	AMATEUR AMATEUR-SATELLITE		142–144	142–144 AMATEUR AMATEUR-SATELLITE	AMATEUR (97)	
144–149			144–149	144–149		

	RADIOLOCATION Amateur Amateur-Satellite 918		RADIOLOCATION 918	RADIOLOCATION Amateur Amateur-Satellite 918	Amateur (97)	
149-150	FIXED FIXED-SATELLITE (space-to-Earth) MOBILE		149-150 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE	149-150 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE		
150-151	EARTH EXPLORATION-SATELLITE (passive) FIXED FIXED-SATELLITE (space-to-Earth) MOBILE SPACE RESEARCH (passive) 919		150-151 EARTH EXPLORATION-SATELLITE (passive) FIXED FIXED-SATELLITE (space-to-Earth) MOBILE SPACE RESEARCH (passive) 919 US263	150-151 EARTH EXPLORATION-SATELLITE (passive) FIXED FIXED-SATELLITE (space-to-Earth) MOBILE SPACE RESEARCH (passive) 919 US263		
151-164	FIXED FIXED-SATELLITE (space-to-Earth)		151-164 FIXED FIXED-SATELLITE 211	151-164 FIXED FIXED-SATELLITE 211		
164-168	EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive)		164-168 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) US246	164-168 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) US246		
168-170	FIXED MOBILE		168-170 FIXED MOBILE	168-170 FIXED MOBILE		
170.0-174.5	FIXED INTER-SATELLITE MOBILE 909 919		170.0-174.5 FIXED INTER-SATELLITE MOBILE 909 919	170.0-174.5 FIXED INTER-SATELLITE MOBILE 909 919		
174.5-176.5			174.5-176.5	174.5-176.5		

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1—allocation GHz (1)	Region 2—allocation GHz (2)	Region 3—allocation GHz (3)	Allocation GHz (4)	Allocation GHz (5)	Rule part(s) (6)	Special-use frequencies (7)
	EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE MOBILE 909 SPACE RESEARCH (passive) 919		EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE MOBILE 909 SPACE RESEARCH (passive) 919 US263	EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE MOBILE 909 SPACE RESEARCH (passive) 919 US263		
176.5-182.0	FIXED INTER-SATELLITE MOBILE 909 919		176.5-182.0 FIXED INTER-SATELLITE MOBILE 909 919 US211	176.5-182.0 FIXED INTER-SATELLITE MOBILE 909 919 US211		
.82-185	EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 920 921		182-185 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) US246	182-185 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) US246		
185-190	FIXED INTER-SATELLITE MOBILE 909 919		185-190 FIXED INTER-SATELLITE MOBILE 909 919 US211	185-190 FIXED INTER-SATELLITE MOBILE 909 919 US211		
190-200	MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE 722 903		190-200 MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE 722 903	190-200 MOBILE 902 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE 722 903		
200-202			200-202	200-202		

	EARTH EXPLORATION- SATELLITE (passive) FIXED MOBILE SPACE RESEARCH (passive) 722		EARTH EXPLORATION- SATELLITE (passive) FIXED MOBILE SPACE RESEARCH (passive) 722 US263	EARTH EXPLORATION- SATELLITE (passive) FIXED MOBILE SPACE RESEARCH (passive) 722 US263		
202–217	FIXED FIXED-SATELLITE (Earth-to-space) MOBILE 722		202–217 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE 722	202–217 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE 722		
217–231	EARTH EXPLORATION- SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 722 907		217–231 EARTH EXPLORATION- SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 722 US74 US246	217–231 EARTH EXPLORATION- SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) 722 US74 US246		
231–235	FIXED FIXED-SATELLITE (space-to-Earth) MOBILE Radiolocation		213–235 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE Radiolocation US211	231–235 FIXED FIXED-SATELLITE (space-to-Earth) MOBILE Radiolocation US211		
235–238	EARTH EXPLORATION- SATELLITE (passive) FIXED FIXED-SATELLITE (space-to-Earth) MOBILE SPACE RESEARCH (passive)		235–238 EARTH EXPLORATION- SATELLITE (passive) FIXED FIXED-SATELLITE (space-to-Earth) MOBILE SPACE RESEARCH (passive) US263	235–238 EARTH EXPLORATION- SATELLITE (passive) FIXED FIXED-SATELLITE (space-to-Earth) MOBILE SPACE RESEARCH (Passive) US263		
238–241			238–241	238–241		

International table			United States table		FCC use designators	
Region 1—allocation GHz (1)	Region 2—allocation GHz (2)	Region 3—allocation GHz (3)	Government Allocation GHz (4)	Non-Government Allocation GHz (5)	Rule part(s) (6)	Special-use frequencies (7)
	FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE. Radiolocation.		FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE. Radiolocation.	FIXED. FIXED-SATELLITE (space-to-Earth). MOBILE. Radiolocation.		
241–248	RADIOLOCATION. Amateur. Amateur-Satellite. 922		241–248 RADIOLOCATION. 922	241–248 RADIOLOCATION. Amateur. Amateur-Satellite. 922	Amateur (97).	245 ± 1 GHz: Industrial, scientific and medical frequency.
248–250	AMATEUR. AMATEUR-SATELLITE.		248–250	248–250 AMATEUR. AMATEUR-SATELLITE.	AMATEUR (97).	
250–252	EARTH EXPLORATION-SATELLITE (passive). SPACE RESEARCH (passive). 923		250–252 EARTH EXPLORATION-SATELLITE (passive). SPACE RESEARCH (passive). 923	250–252 EARTH EXPLORATION-SATELLITE (passive). SPACE RESEARCH (passive). 923		
252–265	MOBILE 902 MOBILE-SATELLITE. RADIONAVIGATION. RADIONATIVATION-SATELLITE. 903 923 924 925		252–265 MOBILE 902 MOBILE-SATELLITE. RADIONAVIGATION. RADIONAVIGATION-SATELLITE. 903 923 924 US211	252–265 MOBILE 902 MOBILE-SATELLITE. RADIONAVIGATION. RADIONAVIGATION-SATELLITE. 903 923 924 US211		
265–275	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE. RADIO ASTRONOMY. 926		265–275 FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE. RADIO ASTRONOMY. 926	265–275 FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE. RADIO ASTRONOMY. 926		

275–400	(Not allocated) 927		275–300 FIXED MOBILE 927	275–300 FIXED MOBILE 927		
			Above 300 (Not allocated) 927	Above 300 (Not allocated) 927	Amateur (97)	

INTERNATIONAL FOOTNOTES

444 Administrations authorizing the use of frequencies below 9 kHz shall ensure that no harmful interference is caused thereby to the services to which the bands above 9 kHz are allocated (see also No. 1816).

445 Administrations conducting scientific research using frequencies below 9 kHz are urged to advise other administrations that may be concerned in order that such research may be afforded all practicable protection from harmful interference.

446 *Additional allocation:* In Bulgaria, Hungary, Poland, the German Democratic Republic, Czechoslovakia, and the U.S.S.R., the band 14—17 kHz is also allocated to the radionavigation service on a permitted basis.

447 The stations of services to which the bands 14—19.95 kHz and 20.5—70 kHz and in Region 1 also the bands 72—84 kHz and 86—90 kHz are allocated may transmit standard frequency and time signals. Such stations shall be afforded protection from harmful interference. In Bulgaria, Hungary, Mongolia, Poland, Czechoslovakia, and the U.S.S.R., the frequencies 25 kHz and 50 kHz will be used for this purpose under the same conditions.

448 The use of the bands 14-19.95 kHz, 20.05-70 kHz, and 70-90 kHz (72-84 kHz and 86-90 kHz in Region 1) by the maritime mobile service is limited to coast radiotelegraph stations (A1A and F1B only). Exceptionally, the use of class J2B or J7B emissions is authorized subject to the necessary bandwidth not exceeding that normally used for class A1A or F1B emissions in the band concerned.

449 *Additional allocation:* In Bulgaria, Hungary, Poland, the German Democratic Republic, Czechoslovakia, and the U.S.S.R., the band 67—70 kHz is also allocated to the radionavigation service on a permitted basis.

450 *Different category of service:* In Bangladesh, Iran and Pakistan the allocation of the bands 70—72 kHz and 84—86 kHz to the fixed and maritime mobile services is on a primary basis (see No. 425).

451 In the bands 70-90 kHz (70-86 kHz in Region 1) and 110-130 kHz (112-130 kHz in Region 1), pulsed radionavigation systems may be used on condition that they do not cause harmful interference to other services to which these bands are allocated.

452 In Region 2, the establishment and operation of stations in the maritime radionavigation service in the bands 70—90 kHz and 110—130 kHz shall be subject to agreement obtained under the procedure set forth in Article 14 with administrations whose services, operating in accordance with the Table, may be affected. However, stations of the fixed, maritime mobile and radiolocation services shall not cause harmful interference to stations in the maritime radionavigation service under such agreements.

453 Administrations which operate stations in the radionavigation service in the band 90—110 kHz are urged to coordinate technical and operating characteristics in such a way as to avoid harmful interference to the services provided by these stations.

453A In the band 90-110 kHz, the United Kingdom may continue to use its coast radiotelegraph stations in operation on 14 September 1987, on a secondary basis.

454 Only classes A1A or F1B, A2C, A3C, F1C or F3C emissions are authorized for stations of the fixed service in the bands allocated to this service between 90 kHz and 160 kHz (148.5 kHz in Region 1) and for stations of the maritime mobile service in the bands allocated to this service between 110 kHz and 160 khz (148.5 kHz in Region 1). Exceptionally, class J2B or J7B emissions are also authorized in the bands between 110 kHz and 160 kHz (148.5 kHz in Region 1) for stations of the maritime mobile service.

455 *Different category of service:* In Bangladesh, Iran and Pakistan, the allocation of the bands 112—117.6 kHz and 126—129 kHz to the fixed and maritime mobile services is on a primary basis (see No. 425).

456 *Different category of service:* In Federal Republic of Germany, the allocation of the band 115—117.6 kHz to the fixed and maritime mobile services is on a primary basis (see No. 425) and to the radionavigation service on a secondary basis (see No. 424).

457 *Additional allocation:* In Bulgaria, Hungary, Mongolia, Poland, the German Democratic Republic, Roumania, Czechoslovakia, and the U.S.S.R., the band 130—148.5 kHz is also allocated to the radionavigation service on a secondary basis. Within and between these countries this service shall have an equal right to operate.

459 In the Region 2 polar areas (north of 60° N and south of 60° S) which are subject to auroral disturbances, the aeronautical fixed service is the primary service in the band 160—190 kHz.

460 *Alternative allocation:* In Angola, Botswana, Burundi, the Congo, Malawi, Rwanda, South Africa and Zaire, the band 160—200 kHz is allocated to the fixed service on a primary basis.

461 *Additional allocation:* In Somalia, the band 200—255 kHz is also allocated to the aeronautical radionavigation service on a primary basis.

462 *Alternative allocation:* In Angola, Botswana, Burundi, Cameroon, Central African Republic, the Congo, Ethiopia, Kenya, Lesotho, Madagascar, Malawi, Mozambique, Namibia, Nigeria, Oman, Rwanda, South Africa, Swaziland, Tanzania, Chad, Zaire, Zambia and Zimbabwe, the band 200—283.5

kHz is allocated to the aeronautical radionavigation service on a primary basis.

463 *Different category of service:* In Sudan and Yemen (P.D.R. of), the allocation of the band 255—283.5 kHz to the aeronautical radionavigation service is on a primary basis (see No. 425).

464 *Alternative allocation:* In Tunisia, the band 255—283.5 kHz is allocated to the broadcasting service on a primary basis.

464A In Region 1, the change of the band limit from 285 kHz to 283.5 kHz shall take place on 1 February 1990 (see Resolution 500).

465 Norwegian stations of the fixed service situated in northern areas (north of 60° N) subject to auroral disturbances are allowed to continue operation on four frequencies in the bands 283.5—490 kHz and 510—526.5 kHz.

466 In the band 285—325 kHz (283.5—325 kHz in Region 1), in the maritime radionavigation service, radiobeacon stations may also transmit supplementary navigational information using narrow-band techniques, on condition that the prime function of the beacon is not significantly degraded.

466A *Additional Allocation:* in Region 1, the frequency band 285.3-285.7 kHz is also allocated to the maritime radionavigation service (other than radiobeacons) on a permitted basis.

467 *Different category of service:* In the U.S.S.R., and the Black Sea areas of Bulgaria, Roumania and Turkey, the allocation of the band 315—325 kHz to the maritime radionavigation service is on a primary basis (see No. 425) under the following conditions:

(a) In the Black Sea and White Sea areas, the maritime radionavigation service is the primary service and the aeronautical radionavigation service is the permitted service;

(b) In the Baltic Sea area, the assignment of frequencies in this band to new stations in the maritime or aeronautical radionavigation services shall be subject to prior consultation between the administrations concerned.

468 The frequency 410 kHz is designated for radio direction-finding in the maritime radionavigation service. The other radionavigation services to which the band 405—415 kHz is allocated shall not cause harmful interference to radio direction-finding in the band 406.5—413.5 kHz.

469 *Different category of service:* in Afghanistan, Australia, China, the Overseas French Territories of Region 3, India, Indonesia, the Islamic Republic of Iran, Japan, Pakistan, Papua New Guinea and Sri Lanka, the allocation of the band 415-495 kHz to the aeronautical radionavigation service is on a permitted basis. Administrations in these countries shall take all practical steps necessary to ensure that aeronautical radionavigation stations in the band 435-495 kHz do not cause interference to reception by coast stations of ship stations transmitting on frequencies designated for ship stations on a world-wide basis (see No. 4237).

469A *Different category of service:* in Cuba, the United States of America, and Mexico the allocation of the band 415-435 kHz to the aeronautical radionavigation service is on a primary basis.

470 The use of the bands 415—495 kHz and 505—526.5 kHz (505—510 kHz in Region 2) by the maritime mobile service is limited to radiotelegraphy.

470A In Region 2, the use of the band 435-495 kHz by the aeronautical radionavigation service is limited to non-directional beacons not employing voice transmission.

471 The bands 490-495 kHz shall be subject to the provision of No. 3018 until the entry into force of the reduced guardband in accordance with Resolution 210 (Mob-87).

472 The frequency 500 kHz is an international distress and calling frequency for Morse radiotelegraphy. The conditions for its use are prescribed in Articles 37, 38, N 38 and 60.

472A In the maritime mobile service, the frequency 490 kHz is, from the date of full implementation of the GMDSS (see Resolution 331 (Mob-87)), to be used exclusively for the transmission by coast stations of navigational and meteorological warnings and urgent information to ships, by means of narrow-band direct-printing telegraphy. The conditions for use of the frequency 490 kHz are prescribed in Articles N 38 and 60, and Resolution 329 (Mob-87). In using the band 415-495 kHz for the aeronautical radionavigation service, administrations are requested to ensure that no harmful interference is caused to the frequency 490 kHz.

474 The conditions for the use of frequency 518 kHz by the maritime mobile service are prescribed in Articles 38, N 38 and 60 (see Resolution 324 (Mob-87) and Article 14A).

475 In the band 515.5—526.5 kHz, Austria may continue to operate only those broadcasting stations listed in Additional Protocol III to the Final Acts of the Regional Administrative LF/MF Broadcasting Conference (Regions 1 and 3), Geneva, 1975. This operation is allowed until the entry into force of a revision of the Geneva Plan, 1975, and subject to not causing harmful interference to the maritime mobile and aeronautical radionavigation services.

476 *Additional allocation:* In the United Kingdom, the band 519.5—526.5 kHz is also allocated to the broadcasting service on a secondary basis for the transmission of public utility information.

477 In Region 2, in the band 525—535 kHz the carrier power of broadcasting stations shall not exceed 1 kilowatt during the day and 250 watts at night.

478 *Additional allocation:* In Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe, the band 526.5—535 kHz is also allocated to the mobile service on a secondary basis.

479 *Additional allocation:* In China, the band 526.5—535 kHz also allocated to the aeronautical radionavigation service on a secondary basis.

480 In Region 2, the use of the band 1 605—1 705 kHz by stations of the broadcasting service shall be subject to a plan to be established by a regional administrative radio conference (see Recommendation 504).

480A In the band 1605-1705 kHz, in cases where a broadcasting station of Region 2 is concerned, the service area of the maritime mobile stations in Region 1 shall be limited to that provided by ground-wave propagation.

481 In Region 2, until the dates decided by the regional administrative radio conference referred to in No. 480, the band 1 605—1 705 kHz is allocated to the fixed, mobile and aeronautical radionavigation services on a primary basis and to the radiolocation service on a secondary basis (see Recommendation 504).

482 *Additional allocation:* In Australia, Indonesia, New Zealand, the Philippines, Singapore, Sri Lanka and Thailand, the band 1 606.5—1 705 kHz is also allocated to the broadcasting service on a secondary basis.

483 *Different category of service:* In Bulgaria, Hungary, Mongolia, Nigeria, Poland, the German Democratic Republic, Chad, Czechoslovakia and the U.S.S.R., the allocation of the bands 1 606.5—1 625 kHz, 1 635-1 800 kHz and 2 107—2 160 kHz to the fixed and land mobile services is on a primary basis (see No. 425).

484 Some countries of Region 1 use radiodetermination systems in the bands 1 606.5—1 625 kHz, 1 635—1 800 kHz, 1 850—2 160 kHz, 2 194-2 300 kHz, 2 502—2 850 kHz and 3 500—3 800 kHz. The establishment and operation of such systems are subject to agreement obtained under the procedure set forth in Article 14. The radiated mean power of these stations shall not exceed 50 W.

485 *Additional allocation:* In Angola, Bulgaria, Hungary, Mongolia, Nigeria, Poland, the German Democratic Republic, Chad, Czechoslovakia and the U.S.S.R., the bands 1 625—1 635 kHz, 1 800—1 810 kHz and 2 160—2 170 kHz are also allocated to the fixed and land mobile services on a primary basis subject to agreement obtained under the procedure set forth in Article 14.

486 In Region 1, in the bands 1 625—1 635 kHz, 1 800—1 810 kHz and 2 160—2 170 kHz (except in the countries listed in No. 485 and those listed in No. 499 for the band 2 160—2 170 kHz), existing stations in the fixed and mobile except aeronautical mobile services (and stations of the aeronautical mobile (OR) service in the band 2 160—2 170 kHz) may continue to operate on a primary basis until satisfactory replacement assignments have been found and implemented in accordance with Resolution 38.

487 In Region 1, the establishment and operation of radiolocation stations in the bands 1 625—1 635 kHz, 1 800—1 810 kHz and 2 160—2 170 kHz shall be subject to agreement obtained under the procedure set forth in Article 14 (see also No. 486). The radiated mean power of radiolocation stations shall not exceed 50 W. Pulse systems are prohibited.

488 In the Federal Republic of Germany, Denmark, Finland, Hungary, Ireland, Israel, Jordan, Malta, Norway, Poland, the German Democratic Republic, the United Kingdom, Sweden, Czechoslovakia and the U.S.S.R., administrations may allocate up to 200 kHz to their amateur service in the band 1 715—1 800 kHz and 1 850—2 000 kHz. However, when allocating the bands within this range to their amateur service, administration shall, after prior consultation with administrations of neighbouring countries, take such steps as may be necessary to prevent harmful interference from their amateur service to the fixed and mobile services of other countries. The mean power of any amateur station shall not exceed 10 W.

489 In Region 3, the Loran system operates either on 1850 kHz or 1950 kHz, the bands occupied being 1825-1875 kHz and 1925-1975 kHz respectively. Other services to which the band 1800-2000 kHz is allocated may use any frequency therein on condition that no harmful interference is caused to the Loran system operating on 1850 kHz or 1950 kHz.

490 *Alternative allocation:* In the Federal Republic of Germany, Angola, Austria, Belgium, Bulgaria, Cameroon, the Congo, Denmark, Egypt, Spain, Ethiopia, France, Greece, Italy, Lebanon, Luxembourg, Malawi, the Netherlands, Portugal, Syria, the German Democratic Republic, Somalia, Tanzania, Tunisia, Turkey and the U.S.S.R., the band 1 810—1 830 kHz is allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

491 *Additional allocations:* In Saudi Arabia, Iraq, Israel, Libya, Poland, Roumania, Chad, Czechoslovakia, Togo and Yugoslavia, the band 1 810—1 830 kHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

492 In Region 1, the use of the band 1 810—1 850 kHz by the amateur service is subject to the condition that satisfactory replacement assignments have been found and implemented in accordance with Reso-

lution 38, for frequencies to all existing stations of the fixed and mobile, except aeronautical mobile, services operating in this band (except for the stations of the countries listed in Nos. 490, 491 and 493). On completion of satisfactory transfer, the authorization to use the band 1 810—1 830 kHz by the amateur service in countries situated totally or partially north of 40° N shall be given only after consultation with the countries mentioned in Nos. 490 and 491 to define the necessary steps to be taken to prevent harmful interference between amateur stations and stations of other services operating in accordance with Nos. 490 and 491.

493 *Alternative allocations:* In Burundi and Lesotho, the band 1 810—1 850 kHz is allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

494 *Alternative allocation:* In Argentina, Bolivia, Chile, Mexico, Paraguay, Peru, Uruguay and Venezuela, the band 1 850—2 000 kHz is allocated to the fixed, mobile except aeronautical mobile, radiolocation and radionavigation services on a primary basis.

495 In Region 1, in making assignments to stations in the fixed and mobile services in the bands 1 850—2 045 kHz, 2 194—2 498 kHz, 2 502—2 625 kHz and 2 650—2 850 kHz, administrations should bear in mind the special requirements of the maritime mobile service.

496 In Region 1, the use of the band 2 025—2 045 kHz by the meteorological aids service is limited to oceanographic buoy stations.

497 In Region 2, except in Greenland, coast stations and ship stations using radiotelegraphy in the band 2065-2107 kHz shall be limited to class R3E or J3E emission and to a peak envelope power not exceeding 1 kW. Preferably, the following carrier frequencies should be used: 2065.0 kHz, 2079.0 kHz, 2082.5 kHz, 2086.0 kHz, 2093.0 kHz, 2096.5 kHz, 2100.0 kHz, 2103.5 kHz. In Argentina, Brazil and Uruguay, the carrier frequencies 2068.5 kHz and 2075.5 kHz are also used for this purpose, while the frequencies within the band 2072-2075.5 kHz are used as provided in No. 4323 BD.

498 In Regions 2 and 3, provided no harmful interference is caused to the maritime mobile service, the frequencies between 2 065 kHz and 2 107 kHz may be used by stations of the fixed service com ## Saudi Arabia, Botswana, Ethiopia, Iraq, Lesotho, Libya, Malawi, Somalia, Swaziland and Zambia, the band 2 160—2 170 kHz is also allocated to the fixed and mobile, except aeronautical mobile (R), services on a primary basis. The mean power of stations in these services shall not exceed 50 W.

500 The frequency 2 182 kHz is the international distress and calling frequency for radiotelephone. The conditions for the use of the band 2 173.5—2 190.5 kHz are prescribed in Articles 38 and 60.

500A The frequencies 2187.5 kHz, 4188 kHz, 6282 kHz, 8375 kHz, 12563 kHz and 16750 kHz are international distress frequencies for digital selective calling. The conditions for the use of these frequencies are prescribed in Article 38.

NOTE: Effective July 1, 1991, the footnote 500A will read as follows: The frequencies 2187.5 kHz, 4207.5 kHz, 6312 kHz, 8414.5 kHz, 12577 kHz, and 16804.5 kHz are international distress frequencies for digital selective calling. The conditions for the use of these frequencies are prescribed in Article N 38.

500B The frequencies 2174.5 kHz, 4177.5 kHz, 6268 kHz, 8357.5 kHz, 12520 kHz and 16675 kHz are international distress frequencies for narrowband direct-printing telegraphy. The conditions for the use of these frequencies are prescribed in Article 38.

NOTE: Effective July 1, 1991, the footnote 500B will read as follows: The frequencies 2174.5 kHz, 4177.5 kHz, 6268 kHz, 8376.5 kHz, 12520 kHz, and 16695 kHz are international distress frequencies for narrow-band direct-printing telegraphy. The conditions for the use of these frequencies are prescribed in Article N 38.

501 The frequency 2 182 kHz, 3 023 kHz, 5 680 kHz, 8 364 kHz, 121.5 MHz, 156.8 MHz and 243 MHz may also be used, in accordance with the procedures in force for terrestrial radiocommunication services, for search and rescue operations concerning manned space vehicles.

The same applies to the frequency 10 003 kHz, 14 993 kHz and 19 993 kHz, but in each of these cases emissions must be confined in a band of ±3 kHz about the frequency.

502 *Alternative allocation:* In Belgium, Cyrus, Denmark, Spain, France, Greece, Iceland, Italy, Malta, Norway, the Netherlands, Portugal, the United Kingdom, Singapore, Sri Lanka, Sweden, Turkey and Yugoslavia, the band 2 194—2 300 kHz is allocated to the maritime mobile service on a primary basis and the fixed and land mobile services on a permitted basis.

503 For the conditions for the use of the band 2 300—2 495 kHz (2 498 kHz in Region 1), 3 200—3 400 kHz, 4 750—4 995 kHz and 5 005—5 060 kHz by the broadcasting service, see Nos. 406 to 410, 411 and 2666 to 2673.

504 *Alternative allocation:* In Belgium, Cyrus, Denmark, Spain, France, Greece, Iraq, Italy, Malta, Norway, the Netherlands, Portugal, the United Kingdom, Sweden, Turkey and Yugoslavia, the band 2 502—2 625 kHz is allocated to the maritime mobile service on a primary basis and to the fixed and land mobile services on a permitted basis.

505 The carrier (reference) frequencies 3 023 kHz and 5 680 kHz may also be used, in accordance with Nos. 2980 and 2984 respectively, by stations of the maritime mobile service engaged in coordinated search and rescue operations.

506 Administrations are urged to authorize the use of the band 3 155—3 195 kHz to provide a common world-wide channel for low power wireless hearing aids. Additional channels for these devices may be assigned by administrations in the bands between 3 155 kHz and 3 400 kHz to suit local needs.

It should be noted that the frequencies in the range 3 000 kHz to 4 000 kHz are suitable for hearing aid devices which are designed to operate over short distances within the induction field.

507 *Alternative allocation:* In Belgium, Cameroon, Cyprus, Ivory Coast, Denmark, Egypt, Spain, France, Greece, Iceland, Italy, Liberia, Malta, Norway, the Netherlands, the United Kingdom, Singapore, Sri Lanka, Sweden, Togo, Turkey and Yugoslavia, the band 3 155—3 200 kHz is allocated to the maritime mobile service on a primary basis and to the fixed and land mobile services on a permitted basis.

508 *Additional allocation:* In Australia, Brazil, Canada, the United States, Japan, Mexico, New Zealand, Peru and Uruguay, the band 3 230—3 400 kHz is also allocated to the radiolocation service on a secondary basis.

509 *Additional allocation:* In Honduras, Mexico, Peru and Venezuela, the band 3 500—3 750 kHz is also allocated to the fixed and mobile services on a primary basis.

510 For the use of these bands allocated to the amateur service at 3.5 MHz, 7.0 MHz, 10.1 MHz, 14.0 MHz, 18.068 MHz, 21.0 MHz, 24.89 MHz and 144 MHz in the event of natural disasters, see Resolution 640.

511 *Additional allocation:* In Brazil, the band 3 700—4 000 kHz is also allocated to the radiolocation service on a primary basis.

512 *Alternative allocation:* In Argentina, Bolivia, Chile, Ecuador, Paraguay, Peru and Uruguay, the band 3 750—4 000 kHz is allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

513 *Alternative allocation:* In Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe, the band 3 900—3 950 kHz is allocated to the broadcasting service on a primary basis. The use of this band by the broadcasting service is subject to agreement obtained under the procedure set forth in Article 14 with neighbouring countries having services operating in accordance with the Table.

514 *Additional allocation:* In Canada, the band 3 950—4 000 kHz is also allocated to the broadcasting service on a primary basis. The power of broadcasting stations operating in this band shall not exceed that necessary for a national service within the frontier of this country and shall not cause harmful interference to other services operating in accordance with the Table.

515 *Additional allocation:* In Greenland, the band 3 950—4 000 kHz is also allocated to the broadcasting service on a primary basis. The power of the broadcasting stations operating in this band shall not exceed that necessary for a national service and shall in no case exceed 5 kW.

516 In Region 3, the stations of those services to which the band 3 995—4 005 kHz is allocated may transmit standard frequency and time signals.

517 The use of the band 4 000—4 063 kHz by the maritime mobile service is limited to ship stations using radiotelephony (see No. 4373).

518 In Afghanistan, Argentina, Australia, Botswana, China, India, Swaziland, Chad and the U.S.S.R., in the bands 4 063—4 123 kHz, 4 130—4 133 kHz and 4 408—4 438 kHz, stations of limited power in the fixed service which are situated at least 600 km from the coast may operate on condition that harmful interference is not caused to the maritime mobile service.

519 On condition that harmful interference is not caused to the maritime mobile service, the frequencies in the bands 4 063—4 123 kHz and 4 130—4 438 kHz may be used exceptionally by stations in the fixed service communicating only within the boundary of the country in which they are located with a mean power not exceeding 50 W.

520 For the use of the carrier frequency 4 125 kHz in the zone of Regions 1 and 2 south of latitude 15° N., including Mexico, and in the zone of Region 3 south of latitude 25° N., see No. 2982.

521 *Different category of service:* In the U.S.S.R., the allocation of band 5 130—5 250 kHz to the mobile, except aeronautical mobile, service is on a primary basis (see No. 425).

522 On condition that harmful interference is not caused to the maritime mobile service, the bands 6 200—6 213.5 kHz and 6 220.5—6 525 kHz may be used exceptionally by stations in the fixed service, communicating only within the boundary of the country in which they are located, with a mean power not exceeding 50 W. At the time of notification of these frequencies, the attention of the International Frequency Registration Board will be drawn to the above conditions.

523 For the use of the carrier frequency 6 215.5 kHz in the zone of Region 3 south of latitude 25° N., see No. 2986.

524 The band 6 765—6 795 kHz (centre frequency 6 780 kHz) is designated for industrial, scientific and medical (ISM) applications. The use of this frequency band for ISM applications shall be subject to special authorization by the administration con-

cerned, in agreement with other administrations whose radiocommunication services might be affected. In applying this provision, administrations shall have due regard to the latest relevant CCIR Recommendations.

525 *Different category of service:* In Mongolia and the U.S.S.R., the allocation of the band 6 765—7 000 kHz to the land mobile service is on a primary basis.

526 *Additional allocation:* In Angola, Iraq, Kenya, Rwanda, Somalia and Togo, the band 7 000—7 050 kHz is also allocated to the fixed service on a primary basis.

527 *Alternative allocation:* In Egypt, Ethiopia, Guinea, Libya, Madagascar, Malawi and Tanzania, the band 7 000—7 050 kHz is allocated to the fixed service on a primary basis.

528 The use of the band 7 100—7 300 kHz in Region 2 by the amateur service shall not impose constraints on the broadcasting service intended for use within Region 1 and Region 3.

529 In Region 3, the stations of those services to which the band 7 995—8 005 kHz is allocated may transmit standard frequency and time signals.

530 On condition that harmful interference is not caused to the broadcasting service, frequencies in the bands 9 775—9 900 kHz, 11 650—11 700 kHz and 11 975—12 050 kHz may be used by stations in the fixed service communicating only within the boundary of the country in which they are located, each station not using a total radiated power exceeding 24 dBW.

531 The bands 9 775—9 900 kHz, 11 650—11 700 kHz, 11 975—12 050 kHz, 13 600—13 800 kHz, 15 450—15 600 kHz, 17 550—17 700 kHz and 21 750—21 850 kHz are allocated to the fixed service on a primary basis subject to the procedure described in Resolution 8. The use of these bands by the broadcasting service shall be subject to provisions to be established by the world administrative radio conference for the planning of HF bands allocated to the broadcasting service (see Resolution 508). Within these bands, the date of commencement of operations in the broadcasting service on a planned channel shall not be earlier than the date of completion of satisfactory transfer, according to the procedures described in Resolution 8, of all assignments to stations in the fixed service operating in accordance with the Table and other provisions of the Radio Regulations, which are recorded in the Master Register and which may be affected by broadcasting operations on that channel.

532 The bands 12 230—12 330 kHz, 16 360—16 460 kHz, 17 360—17 410 kHz, 18 780—18 900 kHz, 19 680—19 800 kHz and 22 720—22 kHz are allocated to the fixed service on a primary basis subject to the procedure described in Resolution 8. The use of these bands by the maritime mobile service shall be subject to provisions to be decided by a competent world administrative radio conference. The date of commencement of operations in the maritime mobile service on a frequency in accordance with the above-mentioned provisions shall not be earlier than the date of completion of satisfactory transfer, in accordance with the procedure described in Resolution 8, of all assignments to stations in the fixed service operating in accordance with the Table and other provisions of the Radio Regulations which are recorded in the Master Register and which may be affected by maritime mobile operations on that frequency.

533 In making assignments to stations of other services to which the band 13 360—13 410 kHz is allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

534 The band 13 553—13 567 kHz (centre frequency 13 560 kHz) is designed for industrial, scientific and medical (ISM) applications. Radiocommunication services operating within this band must accept harmful interference which may be caused by these applications. ISM equipment operating in this band is subject to the provisions of No. 1815.

535 *Additional allocation:* In Afghanistan, China, the Ivory Coast, Iran and the U.S.S.R., the band 14 250—14 350 kHz is also allocated to the fixed service on a primary basis. Stations of the fixed services shall not use a radiated power exceeding 24 dBW.

536 In Region 3, the stations of those services to which the band 15 995—16 005 kHz is allocated may transmit standard frequency and time signals.

537 The band 18 068—18 168 kHz is allocated to the fixed service on primary basis subject to the procedure described in Resolution 8. The use of this band by the amateur and amateur-satellite service shall be subject to the completion of satisfactory transfer of all assignments to stations in the fixed service operating in this band and recorded in the Master Register, in accordance with the procedure described in Resolution 8.

538 *Additional allocation:* In the U.S.S.R., the band 18 068—18 168 kHz is also allocated to the fixed service on a primary basis for use within the boundary of the U.S.S.R., with a peak envelope power not exceeding 1 kW.

539 *Alternative allocation:* In Bulgaria, Hungary, Mongolia, Poland, Czechoslovakia and the U.S.S.R., the band 21 850—21 870 kHz is allocated to the aeronautical fixed

and the aeronautical mobile (R) services on a primary basis.

540 *Additional allocation:* In Nigeria, the band 22 720—23 200 kHz is also allocated to the meteorological aids service (radiosondes) on a primary basis.

541 The use of the band 23 350—24 000 kHz by the maritime mobile service is limited to inter-ship radiotelegraphy.

542 *Additional allocation:* In Kenya, the band 23 600—24 900 kHz is also allocated to the meteorological aids service (radiosondes) on a primary basis.

543 The band 24 890—24 900 kHz is allocated to the fixed and land mobile services on a primary basis subject to the procedure described in Resolution 8. The use of this band by the amateur and amateur-satellite services shall be subject to the completion of the satisfactory transfer of all assignments to fixed and land mobile stations operating in this band and recorded in the Master Register, in accordance with the procedure described in Resolution 8.

544 The bands 25 110—25 210 kHz and 26 100—26 175 kHz are also allocated to the fixed and land mobile services on a primary basis subject to the procedure described in Resolution 8. The use of these bands on an exclusive basis by the maritime mobile service shall be subject to provisions to be decided by a competent world administrative radio conference. The date of commencement of operations in maritime mobile service on a frequency in accordance with the above-mentioned provisions shall not be earlier than the date of completion of satisfactory transfer, in accordance with the procedure described in Resolution 8, of all assignments to stations in the fixed and land mobile services operating in accordance with the Table and other provisions of the Radio Regulations recorded in the Master Register and which may be affected by such maritime mobile operations on that frequency.

545 The band 25 500—25 600 kHz is allocated to the fixed and mobile, except aeronautical mobile, service on a primary basis subject to the procedure described in Resolution 8. The use of the band by the radio astronomy service shall be subject to the completion of the satisfactory transfer of all assignments to stations in the fixed and mobile, except aeronautical mobile, services operating in this band and recorded in the Master Register, in accordance with the procedure described in Resolution 8. The band 25 600—25 670 kHz is allocated to the broadcasting service on a primary basis, subject to provisions to be established by the world administrative radio conference for the planning of HF bands allocated to the broadcasting service (see Resolution 508). After completion of all the above-mentioned provisions, all emissions capable of causing harmful interference to the radio astronomy service in the band 25 550—25 670 kHz shall be avoided. The use of passive sensors by other services will also be authorized.

546 The band 26 957—27 283 kHz (center frequency 27 120 kHz) is designated for industrial, scientific and medical (ISM) applications. Radiocommunication service operating within this band must accept harmful interference which may be caused by these applications. ISM equipment operating in this band is subject to the provisions of No. 1815.

547 In making assignments to stations of other services to which the band 37.5—38.25 MHz is allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

548 The band 40.66—40.70 MHz (centre frequency 40.68 MHz) is designated for industrial, scientific and medical (ISM) applications. Radiocommunication services operating within this band must accept harmful interference which may be caused by these applications. ISM equipment operating in this band is subject to the provisions of No. 1815.

549 *Additional allocation:* In Botswana, Burundi, Lesotho, Malawi, Namibia, Rwanda, South Africa, Swaziland, Zaire, Zambia and Zimbabwe and band 41—44 MHz is also allocated to the aeronautial radionavigation service on a primary basis.

550 *Additional allocation:* In Iran and Japan, the band 41—44 MHz is also allocated to the radiolocation service on a secondary basis.

551 *Additional allocation:* In France and Monaco, the band 41—47 MHz is also allocated to the broadcasting service on a primary basis until 1 January 1986 and, in the United Kingdom, until 1 January 1987.

552 *Additional allocation:* In Australia and New Zealand, the band 44—47 MHz is also allocated to the broadcasting service on a primary basis.

553 *Additional allocation:* In Hungary, Kenya, Mongolia, Czechoslovakia and the U.S.S.R., the bands 47—48.5 and 56.5—58 MHz are also allocated to the fixed and land mobile services on a secondary basis.

554 *Additional allocation:* in Albania, the Federal Republic of Germany, Austria, Belgium, Bulgaria, Cote d'Ivoire, Denmark, Spain, Finland, France, Gabon, Greece, Ireland, Israel, Italy, Jordan, Lebanon, Lybia, Liechtenstein, Luxembourg, Madagascar, Mali, Malta, Morocco, Mauritania, Monaco, Nigeria, Norway, the Netherlands, Poland, the German Democratic Republic, the United Kingdom, Senegal, Sweden, Switzerland, Swaziland, Syria, Togo, Tunisia, Turkey and Yugoslavia, the band 47-68 MHz and in Romania, the band 47-58 MHz,

are also allocated to the land mobile service on a permitted basis. However, stations of the land mobile service in the countries mentioned in connection with each band referred to in this footnote shall not cause harmful interference to, or claim protection from, existing or planned broadcasting stations of countries other than those mentioned in connection with the band.

555 *Additional allocation:* Il Angola, Cameroon, Congo, Nadagascar, Mozambique, Somalia, Sudan, Tanzania, Chad and Yemen (P.D.R.), the band 47—68 MHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a permitted basis.

556 Alternative allocation: In Neu Zealand, the band 50—51 MHz is allmcated to the fixed, mobile and broadcasting services on a primary basis; the band 53—54 MHz is allocated to the fixed and mobile services on a primary basis.

557 Alternative allocation: In Afghanistan, Bangladesh, Brunei, India, Indonesia, Iran, Malaysia, Pakistan, Singapore and Thailand, the band 50—54 MHz is allocated to the fixed, mobile and broadcasting services on a primary basis.

558 *Additional allocation:* In Australia, China and the Democratic People%s Republic of Korea, the band 50]54 MHz is also allocated to the broadcasting service on a primary basis.

559 *Additional allocation:* In Botswana, Burundi, Lesotho, Malawi, Namibia, Rwanda, South Africa, Swaziland, Zaire, Zambia and Zimbabwe, the band 50—54 MHz is also allocated to the amateur service on a primary basis.

560 *Additional allocation:* In New Zealand, the band 51—53 MHz is also allocated to the fixed and mobile services on a primary basis.

561 *Additional allocation:* In Botswana, Burundi, Lesotho, Malawi, Mali, Namibia, Rwanda, South Africa, Swaziland, Zaire, Zambia and Zimbabwe, the band 54—68 MHz is allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

562 Different category of service: In the French Overseas Departments in Region 2, Guyana, Jamaica and Mexico, the allocation of the band 54—68 MHz to the fixed and mobile services is on a primary basis (see No. 425).

563 Different category of service: In Cuba, the French Overseas Departments in Region 2, Guyana, Jamaica and Mexico, the allocation of the band 68—72 MHz to the fixed and mobile services is on a primary basis (see No. 425).

564 *Additional allocation:* In Bulgaria, Hungary, Poland, Roumania and Czechoslovakia, the band 68—73 MHz is allocated to the broadcasting service on a primary basis and used in accordance with the decisions in the Final Acts of the Special Regional Conference, Geneva, 1960.

565 *Additional allocation:* In Mongolia and the U.S.S.R., the bands 68—73 MHz and 76—87.5 MHz are allocated to the broadcasting service on a primary bais. The services to which these bands are allocated in other countries and the broadcasting service in Mongolia and the U.S.S.R., are subject to agreements with the neighboring countries concerned.

566 *Additional allocation:* In Australia, China, the Republic of Korea, the Philippines, the Democratic People's Republic of Korea and Western Samoa, the band 68—74 MHz is also allocated to the broadcasting service on a primary basis.

567 *Additional allocation:* In Bulgaria, Hungary, Mongolia, Poland, Czechoslovakia and the U.S.S.R., the band 73—74 MHz is also allocated to the broadcasting service on a primary basis. The use of this band by the broadcasting service in Bulgaria, Hungary, Mongolia, Poland, Czechoslovakia and the U.S.S.R., is subject to agreement obtained under the procedure set forth in Article 14.

568 In making assignments to stations of other services to which the band 73—74.6 MHz is allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

569 In Region 2, the fixed, mobile and broadcasting services previously authorized in the band 73—74.6 MHz may continue to operate on a non-interference basis to the radio astronomy service until 31 December 1985.

570 *Additional allocation:* In Columbia, Costa Rica, Cuba, El Salvador, Ecuador, Guatemala, Guyana, Honduras and Nicaragua, the band 73—74.6 MHz is also allocated to the fixed and mobile services on a secondary basis.

571 *Additional allocation:* In Bulgaria, China, Hungary, Mongolia, Poland, Czechoslovakia and the U.S.S.R., the bands 74.6—74.8 and 75.2—75.4 MHz are also allocated to the aeronautical radionavigation service, on a primary basis, for ground-based transmitters only.

572 *Additional allocation:* The frequency 75 MHz is assigned to aeronautical marker beacons. Administrations shall refrain from assigning frequencies close to the limits of the guardband to stations of other services which, because of their power or geographical position, might cause harmful interference or otherwise place a constraint on marker beacons.

Until 31 December 1989, administrations in Regions 2 and 3 should refrain from assigning frequencies to other services in the bands 74.6—74.8 MHz and 75.2—75.4 MHz.

In the future every effort should be made to improve further the characteristics of airborne receivers and to limit the power of transmitting stations close to the limits 74.8 and 75.2 MHz.

572A *Additional allocation:* in Afghanistan, the Federal Republic of Germany, Austria, Belgium, Cyprus, Denmark, Egypt, Spain, France, Greece, Israel, Italy, Japan, Jordan, Lebanon, Malta, Morocco, Monaco, Norway, the Netherlands, Portugal, the United Kingdom, Sweden, Switzerland, Syria and Turkey, the band 74.8-75.2 MHz is also allocated to the mobile service on a secondary basis subject to agreement obtained under the procedure set forth in Article 14. In order to ensure that harmful interference is not caused to stations of the aeronautical radionavigation service, stations of the mobile service shall not be introduced in the band until it is no longer required for the aeronautical radionavigation service by any administration which may be identified in the application of Article 14.

573 *Additional allocation:* In Western Samoa, the band 75.4—87 MHz is also allocated to the broadcasting service on a primary basis.

574 *Additional allocation:* In China, the Republic of Korea, Japan, the Philippines and the Democratic People's Republic of Korea, the band 76—87 MHz is also allocated to the broadcasting service on a primary basis.

575 *Additional allocation:* In Bulgaria, Hungary, Poland, Roumania and Czechoslovakia, the band 76—87.5 MHz is also allocated to the broadcasting service on a primary basis and used in accordance with the decisions contained in the Final Acts of the Special Regional Conference, Geneva, 1960.

576 *Different category of service:* In the United States, the French Overseas Departments in Region 2, Guyana, Jamaica, Mexico and Paraguay the allocation of the band 76—88 MHz to the fixed and mobile services is on a primary basis (see No. 425).

577 In Region 3 (except in the Republic of Korea, India, Japan, Malaysia, the Philippines, Singapore and Thailand) the band 79.75—80.25 MHz is also allocated to the radio astronomy service on a primary basis. In making assignments to stations of other services, administrations are urged to take all practicable steps in the band to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

578 *Alternative allocation:* In Albania, the band 81—87.5 MHz is allocated to the broadcasting service on a primary basis and used in accordance with the decisions contained in the Final Acts of the Special Regional Conference, Geneva, 1960.

579 *Additional allocation:* In Afghanistan and Australia the band 85—87 MHz is also allocated to the broadcasting service on a primary basis. The introduction of the broadcasting service in these countries is subject to special agreements between the administrations concerned.

580 *Additional allocation:* In New Zealand, the band 87—88 MHz is allocated to the land mobile service on a primary basis.

581 *Additional allocation:* In the Federal Republic of Germany, Spain, France, Ireland, Italy, Liechtenstein, Monaco, the United Kingdom, Switzerland and Yemen (P.D.R. of), the band 87.5—88 MHz is also allocated to the land mobile service on a permitted basis and subject to agreement obtained under the procedure set forth in Article 14.

582 *Additional allocation:* In the United Kingdom the band 97.6—102.1 MHz is also allocated to the land mobile service on a permitted basis until 31 December 1989. The use of this band by the land mobile service is restricted to those stations in operation on 1 January 1980. The withdrawal of land mobile stations will be arranged in consultation with the administrations concerned.

584 Broadcasting stations in the band 100—108 MHz in Region 1 shall be established and operated in accordance with an agreement and associated plan for the band 87.5—108 MHz to be drawn up by a regional broadcasting conference (see Resolution 510). Prior to the date of entry into force of this agreement, broadcasting stations may be introduced subject to agreement between administrations concerned, on the understanding that such an operation shall in no case prejudice the establishment of the plan.

585 *Additional allocation:* In China, the Republic of Korea, the Philippines and Singapore, the band 100—108 MHz is also allocated to the fixed and mobile services on a permitted basis.

586 *Alternative allocation:* In New Zealand the band 100—108 MHz is allocated to the land mobile service on a primary basis and to the broadcasting service on a secondary basis.

587 *Additional allocation:* in Austria, Bulgaria, Hungary, Israel, Kenya, Mongolia, Poland, Syria, the German Democratic Republic, the United Kingdom, Somalia, Czechoslovakia, Turkey and the USSR, the band 104-108 MHz is also allocated to the mobile, except aeronautical mobile (R), service on a permitted basis until 31 December 1995 and, thereafter, on a secondary basis.

588 *Additional allocation:* In Finland and Yugoslavia, the band 104—108 MHz is also allocated to the fixed service on a per-

mitted basis, until 31 December 1995. The effective radiated power of any station shall not exceed 25 W.

589 *Additional allocation:* in France, Romania, Sweden and Yugoslavia, the band 104-108 MHz is also allocated to the mobile, except aeronautical mobile (R), service on a permitted basis until 31 December 1995.

590A *Additional allocation:* in Afghanistan, the Federal Republic of German, Austria, Cyprus, Denmark, Egypt, Spain, France, Israel, Italy, Japan, Jordan, Lebanon, Malta, Morocco, Monaco, Norway, Pakistan, Portugal, the United Kingdom, Sweden, Switzerland, Syria and Turkey, the band 108-111.975 MHz is also allocated to the mobile service on a secondary basis subject to agreement obtained under the procedure set forth in Article 14. In order to ensure that harmful interference is not caused to stations of the aeronautical radionavigation service, stations of the mobile service shall not be introduced in the band until it is no longer required for the aeronautical radionavigation service by any administrations which may be identified in the application of Article 14.

591 Subject to agreement obtained under the procedure set forth in article 14, the band 117.975—137 MHz is also allocated to the aeronautical mobile-satellite (R) service on a secondary basis and on the condition that harmful interference is not caused to the aeronautical mobile (R) service.

592 The bands 121.45—121.55 MHz and 242.95—243.05 MHz are also allocated to the mobile-satellite service for the reception on board satellites of emissions from emergency position-indicating radiobeacons transmitting at 121.5 MHz and 243 MHz.

593 In the band 117.975-136 MHz, the frequency 121.5 MHz is the aeronautical emergency frequency and, where required, the frequency 123.1 MHz is the aeronautical frequency auxiliary to 121.5 MHz. Mobile stations of the maritime mobile service may communicate on these frequencies under the conditions laid down in Articles 38 and N 38 for distress and safety purposes with stations of the aeronautical mobile service.

594 *Additional allocation:* In Angola, Bulgaria, Hungary, Iran, Iraq, Japan, Mongolia, Mozambique, Papua New Guinea, Poland, the German Democratic Republic, Roumania, Czechoslovakia and the U.S.S.R., the band 132—136 MHz is also alocated to the aeronautical mobile (RO) service on a permitted basis.

594A *Different category of service:* as from 1 January 1990, in Bulgaria, Poland, German Democratic Republic, Romania, Czechoslovakia, Turkey and the USSR, the allocation of the band 136-137 MHz to the aeronautical mobile (OR) service is on a permitted basis.

595 Until 1 January 1990, the band 136-137 MHz is also allocated to the space operation service (space-to-Earth), meterological-satellite service (space-to-Earth) and the space research service (space-to-Earth) on a primary basis. The introduction of stations of the aeronautical mobile (R) service shall only occur after that date. After 1 January 1990, the band 136-137 MHz will also be allocated to the above-mentioned space radiocommunication services on a secondary basis (see Resolution 408 (Mob-87).

596 *Different category of service:* In Afghanistan, Saudi Arabia, Bahrain, Brunei, China, the United Arab Emirates, India, Indonesia, Iran, Iraq, Kuwait, Malaysia, Oman, Pakistan, Qatar, Singapore, Thailand, Yemen A.R. and Yemen (P.D.R. of), the allocation of the band 137—138 MHz to the fixed and mobile, except aeronautical mobile (R), services is on a primary basis (see No. 425).

597 *Different category of service:* In Israel, Jordan and Syria, the allocation of the band 137—138 MHz to the fixed and mobile, except aeronautical mobile, services is on a primary basis (see No. 425).

598 *Different category of service:* In Austria, Bulgaria, Egypt, Finland, Greece, Hungary, Lebanon, Mongolia, Poland, the German Democratic Republic, Roumania, Czechoslovakia, the U.S.S.R. and Yugoslavia, the allocation of the band 137—138 MHz to the aeronautical mobile (OR) service is on a primary basis.

599 *Additional allocation:* In Australia, the band 137—144 MHz is also allocated to the broadcasting service on a primary basis until that service can be accommodated within regional broadcasting allocations.

600 *Additional allocation:* In the Federal Republic of Germany, Austria, Belgium, France, Israel, Italy, Liechtenstein, Luxembourg, the United Kingdom, Sweden, Switzerland and Czechoslovakia, the bands 138—143.6 MHz and 143.65—144 MHz are also allocated to the space research service (space-to-Earth) on a secondary basis.

601 *Additional allocation:* In the Federal Republic of Germany, Saudi Arabia, Austria, Bahrain, Belgium, Denmark, the United Arab Emirates, Spain, Finland, Greece, Ireland, Israel, Kenya, Kuwait, Liechtenstein, Luxembourg, Mali, Malta, Norway, the Netherlands, Qatar, the United Kingdom, Sweden, Switzerland, Somalia, Tanzania, Tunisia, Turkey and Yugoslavia, the band 138—144 MHz is also allocated to the maritime mobile and land mobile services on a primary basis.

602 *Alternative allocation:* In Angola, Botswana, Burundi, Cameroon, the Central African Republic, the Congo, Gabon, Gambia, Ghana, Guinea, Iraq, Jordan, Lesotho, Liberia, Libya, Malawi, Mozambique, Namibia, Nigeria, Oman, Rwanda, Sierra Leone, South Africa, Swaziland, Chad, Togo, Zaire, Zambia and Zimbabwe, the

band 138—144 MHz is allocated to the fixed and mobile services on a primary basis.

603 *Additional allocation:* In China, the band 138—144 MHz is also allocated to the radiolocation service on a primary basis.

604 *Additional allocation:* In Ethiopia, Finland, Kenya, Malta, Somalia, Sudan, Tanzania, Yemen A.R. and Yugoslavia, the band 138—144 MHz is also allocated to the fixed service on a primary basis.

605 *Additional allocation:* In Singapore, the band 144—145 MHz is also allocated to the fixed and mobile services on a primary basis. Such use is limited to systems in operation on or before 1 January 1980, which in any case shall cease by 31 December 1995.

606 *Additional allocation:* In China, the band 144—146 MHz is also allocated to the aeronautical mobile (OR) service on a secondary basis.

607 *Alternative allocation:* In Afghanistan, Bangladesh, Cuba, Guyana and India, the band 146—148 MHz is allocated to the fixed and mobile services on a primary basis.

608 Subject to agreement obtained under the procedure set forth in Article 14, the band 148—149.9 MHz may be used by the space operation service (Earth-to-space). The bandwidth of an individual transmission shall not exceed ±25 kHz.

609 Emissions of the radionaviagation-satellite service in the bands 149.9—150.05 MHz and 399.9—400.05 MHz may also be used by receiving earth stations of the space research service.

609A Recognizing that the use of the band 149.9-150.05 MHz by the fixed and mobile services may cause harmful interference to the radionavigation-satellite service, administrations are urged not to authorize such use in application No. 342.

610 In making assignments to stations of other services to which the band 150.05—153 MHz is allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

611 *Additional allocation:* In Australia and India, the band 150.05—153 MHz is also allocated to the radio astronomy service on a primary basis.

612 *Additional allocation:* In Sweden and Switzerland the band 150.05—153 MHz is also allocated to the aeronautical mobile (OR) service on a secondary basis.

613 The frequency 156.8 MHz is the international distress, safety and calling frequency for the maritime mobile VHF radiotelephone service. The conditions for the use of this frequency are contained in Articles 38 and N 38.

In the bands 156-156.7625 MHz, 156.8375-157.45 MHz, 160.6-160.975 MHz and 161.475-162.05 MHz, each administration shall give priority to the maritime mobile service on only such frequencies as are assigned to stations of the maritime mobile service by the administration (see Articles 38, N 38 and 60).

Any use of frequencies in these bands by station of other services to which they are allocated should be avoided in areas where such use might cause harmful interference to the maritime mobile VHF radiocommunication service.

However, the frequency 156.8 MHz and the frequency bands in which priority is given to the maritime mobile service may be used for radiocommunications on inland waterways subject to agreement between interested and affected administrations and taking into account current frequency usage and existing agreements.

613A In the maritime mobile VHF service the frequency 156.525 MHz is to be used exclusively for digital selective calling for distress, safety and calling (see Resolution 323 (Mob-87)). The conditions for the use of this frequency are prescribed in Articles 38, N 38 and 60 and in Appendix 18.

613B *Additional allocation:* in Ireland and in the United Kingdom, the band 161.3875-161.4125 MHz is also allocated to the maritime radionavigation service on a primary basis, subject to agreement obtained under the procedure set forth in Article 14.

614 *Alternative allocation:* In France and Monaco, the band 162—174 MHz is allocated to the broadcasting service on a primary basis until 1 January 1985.

615 *Alternative allocation:* In Morocco, the band 162—174 MHz is allocated to the broadcasting service on a primary basis. The use of this band shall be subject to agreement with administrations having services, operating or planned, in accordance with the Table which are likely to be affected. Stations in existence on 1 January 1981, with their technical characteristics as of that date, are not affected by such agreement.

616 *Additional allocation:* In China, the band 163—167 MHz is also allocated to the space operation service (space-to-Earth) on a primary basis subject to agreement obtained under the procedure set forth in Article 14.

617 *Additional allocation:* In Afghanistan, China and Pakistan, the band 167—174 MHz is also allocated to the broadcasting service on a primary basis. The introduction of the broadcasting service into this band shall be subject to agreement with the neighbouring countries in Region 3, whose services are likely to be affected.

618 *Additional allocation:* In Japan, the band 170—174 MHz is also allocated to the broadcasting service on a primary basis.

619 *Additional allocation:* In China, the band 174—184 MHz is also allocated to the space research (space-to-Earth) and the space operation (space-to-Earth) services on a primary basis subject to agreement obtained under the procedure set forth in Article 14. These services shall not cause harmful interference to, or claim protection from, existing or planned broadcasting stations.

620 *Different category of service:* In Mexico, the allocation of the band 174—216 MHz to the fixed and mobile services is on a primary basis (see No. 425).

621 *Additional allocation:* in the Federal Republic of Germany, Austria, Belgium, Denmark, Spain, Finland, France, Israel, Italy, Liechtenstein, Monaco, Norway, the Netherlands, the United Kingdom, Sweden, Switzerland and Yemen (P.D.R. of), the band 174-223 MHz is also allocated to the land mobile service on a permitted basis. However, the stations of the land mobile service shall not cause harmful interference to, nor claim protection from, broadcasting stations, existing or planned, in countries other than those listed in this footnote.

622 *Different category of service:* In Austria, the Federal Republic of Germany, Belgium, Delmark, Spain, Finland, France, Israel, Italy, Liechtenstein, Luxembourg, Monaco, Norway, the Netherlands, Portugal, the United Kingdom, Sweden, Switzerland and Yemen (P.D.R. of), the band 223—230 MHz is allocated to the land mobile service on a permitted basis. However, the stations of the land mobile service shall not cause harmful interference to, nor claim protection from, broadcasting stations, existing or planned, in countries other than those listed in this footnote.

623 *Additional allocation:* In Congo, Ethiopia, Gambia, Guinea, Kenya, Libya, Malawi, Mali, Uganda, Senegal, Sierra Leone, Somalia, Tanzania, and Zimbabwe, the band 174—223 MHz is also allocated to the fixed and mobile services on a secondary basis.

624 *Additional allocation:* In Bangladesh, India, Pakistan, and the Philippines, the band 200—216 MHz is also allocated to the aeronautical radionavigation service on a primary basis.

625 *Additional allocation:* In Australia and Papuaa New Guinea, the bands 204—208 MHz and 222—223 MHz are also allocated to the aeronautical radionavigation service on a primary basis.

626 *Additional allocation:* In China, India and Thailand, the band 216—223 MHz is also allocated to the aeronautical radionavigation service on a primary basis and to the radiolocation service on a secondary basis.

627 In Region 2, the band 216—225 MHz is also allocated to the radiolocation service on a primary basis until 1 January 1990. On and after 1 January 1990, no new stations in that service may be authorized. Stations authorized prior to 1 January 1990 may continue to operate in a secondary basis.

627A *Additional allocation:* in Canada, the band 216-220 MHz is also allocated to the land mobile service on a primary basis.

628 *Additional allocation:* In Somalia, the band 216—225 MHz is also allocated to the aeronautical radionavigation service on a primary basis, subject to not causing interference to existing or planned broadcating services in other countries.

629 *Additional allocation:* In Oman, the United Kingdom and Turkey, the band 216—235 MHz is also allocated to the radiolocation service on a secondary basis.

630 *Additional allocation:* In Japan, the band 222—223 MHz is also allocated to the aeronautical radionavigation service on a primary basis and to the radiolocation service on a secondary basis.

631 *Different category of service:* In Spain and Portugal, the band 223—230 MHz is allocated to the fixed service on a permitted basis (see No. 425). Stations of this service shall not cause harmful interference to, or claim protection from, broadcasting stations of other countries, whether existing or planned, that operate in accordance with the Table.

632 *Additional allocation:* In Saudi Arabia, Bahrain, the United Arab Emirates, Israel, Jordan, Oman, Qatar and Syria, the band 223—235 MHz is also allocated to the aeronatutical radionavigation service on a permited basis.

633 *Additional allocation:* In Spain and Portugal, the band 223—235 MHz is also allocated to the aeronautical radionavigation service on a permitted basis until 1 January 1990, subject to or not causing harmful interference to existing or planned broadcasting stations in other countries.

634 *Additional allocation:* In Sweden, the band 223—235 MHz is also allocated to the aeronautical radionavigation service on a permitted basis, until 1 January 1990, subject to agreement obtained under the procedure set forth in Article 14, and on condition that no harmful interference is caused to existing and planned broadcasting stations in other countries.

635 *Alternative allocation:* In Botswana, Lesotho, Namibia, South Africa, Swaziland and Zambia, the bands 223—238 MHz and 246—254 MHz are allocated to the broadcasting service on a primary basis subject to agreeement obtained under the procedure set forth in Article 14.

636 *Alternative allocation:* In New Zealand, Western Samoa, Niue and Cook Islands, the band 225—230 MHz is allocated to the fixed, mobile and aeronautical radionavigation services on a primary basis.

637 *Additional allocation:* In China, the band 225—235 MHz is also allocated to the radio astronomy service on a secondary basis.

638 *Additional allocation:* In Nigeria, the band 230—235 MHz is also allocated to the aeronautical radionavigation service on a primary basis, subject to agreement obtained under the procedure set forth in Article 14.

639 *Additional allocation:* In Yugoslavia, the band 230—235 MHz is also allocated to the aeronautical radionavigation service on a primary basis, until 1 January 1995. The use of this band by the aeronautical radionavigation service in Yngoslavia is restricted to the stations in operation by 1 January 1980.

640 *Additional allocation:* In New Zealand, the band 235—239.5 MHz is also allocated to the aeronautical radionavigation service on a primary basis.

641 Subject to agreement obtained under the procedure set forth in Article 14, the bands 235—322 MHz and 335.4—399.9 MHz may be used by the mobile-satellite service, on condition that stations in this service do not cause harmful interference to those of other services operating or planned to be operated in accordance with the Table.

642 The frequency 243 MHz is the frequency in this band for use by survival craft stations and equipment used for survival purposes (see Article 38).

643 Subject to agreement obtained under the procedure set forth in Article 14, the band 267—272 MHz may be used by administrations for space telemetry in their countries on a primary basis.

644 In making assignments to stations of other services to which the band 322—328.6 MHz is allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

645 Limited to Instrument Landing Systems (glide path).

645A *Additional allocation:* In Afghanistan, the Federal Republic of Germany, Austria, Belgium, Cyprus, Denmark, Egypt, Spain, France, Greece, Israel, Italy, Japan, Jordan, Malta, Morocco, Monaco, Norway, the Netherlands, Portugal, the United Kingdom, Sweden, Switzerland, Syria and Turkey, the band 328.6-335.4 MHz is also allocated to the mobile service on a secondary basis subject to agreement obtained under the procedure set forth in Article 14. In order to ensure that harmful interference is not caused to stations of the aeronautical radionavigation service, stations of the mobile service shall not be introduced in the band until it is no longer required for the aeronautical radionavigation service by any administration which may be identified in the application of Article 14.

645B Recognizing that the use of the band 399.9-400.05 MHz by the fixed and mobile service may cause harmful interference to the radionavigation satellite service, administrations are urged not to authorize such use in application of No. 342.

646 Emissions shall be confined in a band of ± 25 kHz about the standard frequency 400.1 MHz.

647 *Additional allocation:* In Afghanistan, Saudi Arabia, Austria, Bahrain, Bulgaria, Colombia, Costa Rica, Cuba, Egypt, the United Arab Emirates, Ecuador, Hungary, Indonesia, Iran, Iraq, Israel, Kuwait, Liberia, Malaysia, Nigeria, Oman, Pakistan, the Philippines, Poland, Qatar, Syria, the German Democratic Republic, Roumania, Singapore, Somalia, Sri Lanka, Czechoslovakia, Thailand, the U.S.S.R. and Yugoslavia, the band 400.05—401 MHz is also allocated to the fixed and mobile services on a primary basis.

648 *Additional allocation:* In Canada, the bands 405.5—406 MHz and 406.1—410 MHz are also allocated to the mobile-satellite, except aeronautical mobile-satellite, service (Earth-to-space), on a primary basis, subject to agreement obtained under the procedure set forth in Article 14.

649 The use of the band 406-406.1 MHz by the mobile-satellite service is limited to low power satellite emergency position-indicating radiobeacons (see also Articles 38 and N 38).

649A Any emission capable of causing harmful interference to the authorized uses of the band 406-406.1 MHz is prohibited.

650 In making assignments to stations of other services to which the band 406.1—410 MHz is allocated, administrations are urged to take all parcticable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

651 *Different category of service:* In Australia, the United States, India, Japan and the United Kingdom, the allocation of the bands 420—430 MHz and 440—450 MHz to the radiolocation service is on a primary basis (see No. 425).

652 *Additional allocation:* In Australia, the United States, Jamaica and the Philippines, the bands 420—430 MHz and 440—450 MHz are also allocated to the amateur service on a secondary basis.

653 *Additional allocation:* In China, India, the German Democratic Republic, the United Kingdom and the U.S.S.R., the band 420—460 MHz is also allocated to the aeronautical radionavigation service (radio altimeters) on a secondary basis.

654 *Different category of service:* In France, the allocation of the band 430—434 MHz to the amateur service is on a secondary basis (see No. 424).

655 *Different category of service:* In Denmark, Libya, Norway and Sweden, the allocation of the bands 430—432 MHz and 438—440 MHz to the radiolocation service on a secondary basis (see No. 424).

656 *Alternative allocation:* In Denmark, Norway and Sweden, the bands 430—432 MHz and 438—440 MHz are allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

657 *Additional allocation:* In Finland, Libya and Yugoslavia, the bands 430—432 MHz and 438—440 MHz are also allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

658 *Additional allocation:* In Afghanistan, Algeria, Saudi Arabia, Bahrain, Bangladesh, Brunei, Burundi, Egypt, the United Arab Emirates, Ecuador, Ethiopia, Greece, Guinea, India, Indonesia, Iran, Iraq, Israel, Italy, Jordan, Kenya, Kuwait, Lebanon, Liechtenstein, Libya, Malaysia, Malta, Nigeria, Oman, Pakistan, the Philippines, Qatar, Syria, Singapore, Somalia, Switzerland, Tanzania, Thailand and Togo, the band 430—440 MHz is also allocated to the fixed service on a primary basis and the bands 430—435 MHz and 438—440 MHz are also allocated to the mobile, except aeronautical mobile, service on a primary basis.

659 *Additional allocation:* In Angola, Bulgaria, Cameroon, Congo, Gabon, Hungary, Mali, Mongolia, Niger, Poland, the German Democratic Republic, Roumania, Rwanda, Chad, Czechoslovakia and the U.S.S.R., the band 430—440 MHz is also allocated to the fixed service on a primary basis.

660 *Different category of service:* In Argentina, Colombia, Costa Rica, Cuba, Honduras, Panama and Venezuela, the allocation of the band 430—440 MHz to the amateur service is on a primary basis (see No. 425).

660A *Additional allocation:* in Mexico, the bands 430-435 MHz and 438-440 MHz are also allocated on a primary basis to the land mobile service, subject to agreement obtained under the procedure set forth in Article 14.

661 In Region 1, except in the countries mentioned in No. 662, the band 433.05—434.79 MHz (centre frequency 433.92 MHz) is designated for industrial scientific and medical (ISM) applications. The use of this frequency band for ISM applications shall be subject to special authorization by the administration concerned, in agreement with other administrations whose radiocommunications services might be affected. In applying this provision, administrations shall have due regard to the latest relevant CCIR Recommendations.

662 In the Federal Republic of Germany, Austria, Liechtenstein, Portugal, Switzerland and Yugoslavia, the band 433.05—434.79 MHz (centre frequency 433.92 MHz) is designated for industrial, scientific and medical (ISM) applications. Radiocommunication services of these countries operating within this band must accept harmful interference which may be caused by these applications. ISM equipment operating in this band is subject to the provisions of No. 1815.

663 *Additional allocation:* In Brazil, France and the French Overseas Departments in Region 2, and India, the band 433.75—434.25 MHz is also allocated to the space operation service (Earth-to-space) on a primary basis until 1 January 1990, subject to agreement obtained under the procedure set forth in Article 14. After 1 January 1990, the band 433.75—434.25 MHz will be allocated in the same countries to the same service on a secondary basis.

664 In the bands 435—438 MHz, 1 260—1 270 MHz, 2 400—2 450 MHz, 3 400—3 410 MHz (in Regions 2 and 3 only) and 5 650—5 670 MHz the amateur-satellite service may operate subject to not causing harmful interference to other services operating in accordance with the Table (see No. 435). Administrations authorizing such use shall ensure that any harmful interference caused by emissions from a station in the amateur-satellite service is immediately eliminated in accordance with the provisions of No. 2741. The use of the bands 1 260—1 270 MHz and 5 650—5 670 MHz by the amateur-satellite service is limited to the Earth-to-space direction.

665 *Additional allocation:* In Austria, the band 438—440 MHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

666 *Additional allocation:* In Canada, New Zealand and Papua New Guinea, the band 440—450 MHz is also allocated to the amateur service on a secondary basis.

667 *Different category of service:* In Canada, the allocation of the band 440—450 MHz to the radiolocation service is on a primary basis (see No. 425).

668 Subject to agreement obtained under the procedure set forth in Article 14, the band 449.75—450.25 MHz may be used for the space operation service (Earth-to-space) and the space research service (Earth-to-space).

669 In the maritime mobile service, the frequencies 457.525 MHz, 457.550 MHz, 457.575 MHz, 467.525 MHz, 467.550 MHz and 467.575 MHz may be used by on-board communication stations. The use of these frequencies in territorial waters may be subject to the national regulations of the administration concerned. The characteristics of the equipment used shall conform to those specified in Appendix 20.

670 In the territorial waters of Canada, the United States and the Philippines, the preferred frequencies for use by on-board communication stations shall be 457.525 MHz, 457.550 MHz, 457.575 MHz and 457.600 MHz paired, respectively, with 467.750 MHz, 467.775 MHz, 467.800 MHz and 467.825 MHz. The characteristics of the equipment used shall conform to those specified in Appendix 20.

671 Earth exploration-satellite service applications, other than the meteorological-satellite service, may also be used in the bands 460—470 MHz and 1 690—1 710 MHz for space-to-Earth transmissions subject to not causing harmful interference to stations operating in accordance with the Table.

672 *Different category of service:* In Afghanistan, Bulgaria, China, Cuba, Hungary, Japan, Mongolia, Poland, Czechoslovakia and the U.S.S.R. the allocation of the band 460—470 MHz to the meteorological-satellite service (space-to-Earth) is on a primary basis (see No. 425) and is subject to agreement obtained under the procedure set forth in Article 14.

673 *Additional allocation:* In China, the band 470—485 MHz is also allocated to the space research (space-to-Earth) and the space operation (space-to-Earth) services on a primary basis subject to agreement obtained under the procedure set forth in Article 14, subject to not causing harmful interference to existing and planned broadcasting stations.

674 *Different category of service:* In Mexico and Venezuela, the allocation of the band 470-512 MHz to the fixed and mobile service, and in Argentina and Uruguay to the mobile service, is on a primary basis (see No. 425), subject to agreement obtained under the procedure set forth in Article 14.

675 *Different category of service:* In Chile, Colombia, Ecuador, the United States, Guyana and Jamaica, the allocation of the bands 470—512 MHz and 614—806 MHz to the fixed and mobile services is on a primary basis (see No. 425), subject to agreement obtained under the procedure set forth in Article 14.

676 *Additional allocation:* In Burundi, Cameroon, the Congo, Ethiopia, Israel, Kenya, Libya, Senegal, Sudan, Syria, and Yemen (P.D.R. of), the band 470—582 MHz is also allocated to the fixed service on a secondary basis.

677 *Alternative allocation:* In Pakistan, the bands 470—582 MHz and 610—890 MHz are allocated to the broadcasting service on a primary basis.

677A *Additional allocation*: in the Federal Republic of Germany, Austria, Belgium, Cyprus, Denmark, Spain, Finland, France, Ireland, Israel, Italy, Libya, Malta, Morocco, Monaco, Norway, the Netherlands, Portugal, the United Kingdom, Sweden, Switzerland, Swaziland, Syria, Tunisia and Turkey, the band 470-790 MHz is also allocated on a secondary basis to the land mobile service, intended for applications ancillary to broadcasting. Stations of the land mobile service in the countries mentioned in this footnote, shall not cause harmful interference to existing or planned stations operating in accordance with the Table of Frequency Allocations in countries other than those listed in this footnote.

678 *Additional allocation:* In Costa Rica, El Salvador, Ecuador, the United States, Guatemala, Guyana, Honduras, Jamaica and Venezuela, the band 512—608 MHz is also allocated to the fixed and mobile services on a primary basis, subject to agreement obtained under the procedure set forth in Article 14.

679 *Additional allocation:* In India, the band 549.75—550.25 MHz is also allocated to the space operation service (space-to-Earth) on a secondary basis.

682 *Additional allocation:* In France and Italy, the band 582—606 MHz is also allocated to the radionavigation service on a permitted basis until 1 January 1990.

683 *Additional allocation:* In Oman, the band 582—606 MHz is also allocated to the radionavigation service on a secondary basis.

684 *Additional allocation:* In Israel, Libya, Syria and Sudan, the band 582—790 MHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a secondary basis.

685 *Additional allocation:* In Denmark and Kuwait, the band 590—598 MHz is also allocated to the aeronautical radionavigation service on a primary basis until 1 January 1995.

686 *Additional allocation:* In the United Kingdom, the band 598—590 MHz is also allocated to the aeronautical radionavigation service on a primary basis. All new assignments to stations in the aeronautical radionavigation service, including those transferred from the adjacent bands, shall be subject to coordination with the administrations of the following countries: the Federal Republic of Germany, Belgium, Denmark, Spain, France, Ireland, Luxembourg, Morocco, Norway and the Netherlands.

686A *Additional allocation*: in the United Kingdom, the band 598-606 MHz is also allocated to the aeronautical radionavigation service on a primary basis until 31 December 1994. All new assignments to stations in the aeronautical radionavigation service in this band are subject to the agreement of the Administrations of the following countries: the Federal Republic of Germany, Belgium, Denmark, Spain, France, Ireland, Luxembourg, Morocco, Norway and the Netherlands.

687 *Additional allocation:* In the African Broadcasting Area (see Nos. 400 to 403), the band 606—614 MHz is also allocated to the

radio astronomy service on a permitted basis.

688 *Additional allocation:* In China, the band 606—614 MHz is also allocated to the radio astronomy service on a primary basis.

689 In Region 1, except in the African Broadcasting Area (see Nos. 400 to 403), and in Region 3, the band 608—614 MHz is also allocated to the radio astronomy service on a secondary basis. In making assignments to stations or other services to which the band is allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

690 *Additional allocation:* In India, the band 608—614 MHz is also allocated to the radio astronomy service on a primary basis.

691 *Additional allocation:* In New Zealand, the band 610—620 MHz is also allocated to the amateur service on a secondary basis.

692 *Different category of service:* In Costa Rica, El Salvador and Honduras, the allocation of the band 614—806 MHz to the fixed service is on a primary basis (see No. 425), subject to agreement obtained under the procedure set forth in Article 14.

692A *Additional allocation:* in Cuba, the band 614-890 MHz is also allocated to the radionavigation service on a primary basis, subject to agreement obtained under the procedure set forth in Article 14.

693 Within the frequency band 620—790 MHz, assignments may be made to television stations using frequency modulation in the broadcasting-satellite service subject to agreement between administrations concerned and those having services, operating in accordance with the Table, which may be affected (see Resolutions 33 and 507). Such stations shall not produce a power flux-density in excess of the value -129 dB(W/m^2) for angles of arrival less than 20° (see Recommendation 705) within the territories of other countries without the consent of the administrations of those countries.

694 *Additional allocation:* In Bulgaria, Hungary, Mongolia, Poland, the German Democratic Republic, Roumania, Czechoslovakia and the U.S.S.R., the band 645—862 MHz is also allocated to the aeronautical radionavigation service on a permitted basis.

695 *Alternative allocation:* In Spain and France, the band 790—830 MHz is allocated to the broadcasting service on a primary basis.

695A *Additional allocation:* in Austria, Italy, the United Kingdom and Swaziland, the band 790-862 MHz is also allocated to the land mobile service on a secondary basis.

696 *Alternative allocation:* In Greece, Italy, Morocco and Tunisia, the band 790—838 MHz is allocated to the braodcasting service on a primary basis.

697 *Additional allocation:* In the Federal Republic of Germany, Denmark, Egypt, Finland, Israel, Kenya, Libya, Liechtenstein, Monaco, Norway, the Netherlands, Sweden, Switzerland and Yugoslavia, the band 790-830 MHz, and in these same countries and in Spain, France, Malta and Syria, the band 830-862 MHz, are also allocated to the mobile, except aeronautical mobile, service in the countries mentioned in connection with each band referred to in this footnote shall not cause harmful interference, or claim protection from, stations or services operating in accordance with the Table in countries other than those mentioned in connection with the band.

700 *Additional allocation:* in Region 2, the band 806-890 MHz is also allocated to the mobile-satellite service on a primary basis. The use of this service is intended for operation within national boundaries and subject to agreement obtained under the procedure set forth in Article 14.

701 *Additional allocation:* in Region 3, the bands 806-890 MHz and 942-960 MHz are also allocated to the mobile-satellite, except aeronautical mobile-satellite (R), service on a primary basis. The use of this service is limited to operation within national boundaries and subject to agreement obtained under the procedure set forth in Article 14. In seeking such agreement, appropriate protection shall be afforded to services operating in accordance with the Table, to ensure that no harmful interference is caused to such services.

702 *Alternative allocation:* In Italy, the band 838—854 MHz is allocated to the broadcasting service on a primary basis as from 1 January 1995.

703 In Region 1, in the band 862—960 MHz, stations of the broadcasting service shall be operated only in the African Broadcasting Area (see Nos. 400 to 403) excluding Algeria, Egypt, Libya and Morocco. Such operations shall be in accordance with the Final Acts of the African VHF/UHF Broadcasting Conference, Geneva, 1963.

704 *Additional allocation:* In Bulgaria, Hungary, Mongolia, Poland, the German Democratic Republic, Roumania, Czechoslovakia and the U.S.S.R., the band 862—960 MHz is also allocated to the aeronautical radionavigation service on a permitted basis until 1 January 1998. Up to this date the aeronautical radionavigation service may use the band, subject to agreement obtained under the procedure set forth in Article 14. After this date, the aeronautical radionavigation service may continue to operate on a secondary basis.

704A *Additional allocation:* in Brazil, Canada and the United States of America, the band 890-896 MHz is also allocated to the mobile-satellite service on a primary basis. The use of this service is intended for operation within national boundaries and subject to agreement obtained under the procedure set forth in Article 14. In seeking such agreement, appropriate protection shall be afforded to services operating in accordance with the Table.

705 *Different category of service:* In the United States, the allocation of the band 890—942 MHz to the radiolocation service is on a primary basis (see No. 425) and subject to agreement obtained under the procedure set forth in Article 14.

706 *Different category of service:* In Australia, the allocation of the band 890—942 MHz to the radiolocation service is on a primary basis (see No. 425).

707 In Region 2, the band 902—928 MHz (centre frequency 915 MHz) is designated for industrial, scientific and medical (ISM) applications. Radiocommunication service operating within this band must accept harmful interference which may be caused by these applications. ISM equipment operating in this band is subject to the provisions of No. 1815.

707A *Different category of service:* In Chile, the band 903-905 MHz is allocated to the mobile, except aeronautical mobile, service on a primary basis and is subject to agreement obtained under the procedure set forth in Article 14.

708 *Different category of service:* In the United States, the allocation of the bands 942—947 MHz and 952—960 MHz to the mobile service is on a primary basis (see No. 425) and subject to agreement obtained under the procedure set forth in Article 14.

709 The band 960—1 215 MHz is reserved on a worldwide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based facilities.

710 Use of the radionavigation-satellite service in the band 1 215—1 260 MHz shall be subject to the condition that no harmful interference is caused to the radionavigation service authorized under footnote 712.

711 *Additional allocation:* In Afghanistan, Angola, Saudi Arabia, Bahrain, Bangladesh, Cameroon, China, the United Arab Emirates, Ethiopia, Guinea, Guyana, India, Indonesia, Iran, Iraq, Israel, Japan, Jordan, Kuwait, Lebanon, Libya, Malawi, Morocco, Mozambique, Nepal, Nigeria, Oman, Pakistan, the Philippines, Qatar, Syria, Somalia, Sudan, Sri Lanka, Chad, Thailand, Togo and Yemen (P.D.R. of), the band 1 215—1 300 MHz is also allocated to the fixed and mobile services on a primary basis.

712 *Additional allocation:* In Algeria, the Federal Republic of Germany, Austria, Bahrain, Belgium, Benin, Burundi, Cameroon, China, Denmark, the United Arab Emirates, France, Greece, India, Iran, Iraq, Kenya, Liechtenstein, Luxembourg, Mali, Mauritania, Norway, Oman, Pakistan, the Netherlands, Portugal, Qatar, Senegal, Somalia, Sudan, Sri Lanka, Sweden, Switzerland, Tanzania, Turkey and Yugoslavia, the band 1 215—1 300 MHz is also allocated to the radionavigation service on a primary basis.

712A *Additional allocation:* in Cuba, the band 1215-1300 MHz is also allocated to the radionavigation service on a primary basis subject to the agreement obtained under the procedure set forth in Article 14.

713 In the bands 1 215—1 300 MHz, 3 100—3 300 MHz, 5 250—5 350 MHz, 8 550—8 650 MHz, 9 500—9 800 MHz and 13.4—14.0 GHz, radiolocation stations installed on spacecraft may also be employed for the earth exploration-satellite and space research services on a secondary basis.

714 *Additional allocation:* In Canada and the United States the bands 1 240—1 300 MHz and 1 350—1 370 MHz are also allocated to the aeronautical radionavigation service on a primary basis.

715 *Additional allocation:* In Indonesia, the band 1 300—1 350 MHz is also allocated to the fixed and mobile services on a primary basis.

716 *Alternative allocation:* In Ireland and the United Kingdom, the band 1 300—1 350 MHz is allocated to the radiolocation service on a primary basis.

717 The use of the bands 1 300—1 350 MHz, 2 700—2 900 MHz and 9 000—9 200 MHz by the aeronautical radionavigation service is restricted to ground-based radars and to associated airborne transponders which transmit only on frequencies in these bands and only when actuated by radars operating in the same band.

718 In making assignments to stations of other services, administrations are urged to take all practicable steps to protect the spectral line observations of the radio astronomy service from harmful interference in the band 1 330—1 400 MHz. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

719 In Bulgaria, Hungary, Mongolia, Poland, the German Democratic Republic, Roumania, Czechoslovakia and the U.S.S.R., the existing installations of the radionavigation service may continue to operate in the band 1 350—1 400 MHz.

720 The bands 1 370—1 400 MHz, 2 640—2 655 MHz, 4 950—4 990 MHz and 15.20—15.35 GHz are also allocated to the space research (passive) and earth exploration-satellite (passive) services on a secondary basis.

721 All emissions in the band 1 400—1 427 MHz are prohibited.

722 In the bands 1 400—1 727 MHz, 101—120 GHz and 197—220 GHz, passive research is being conducted by some countries in a

programme for the search for intentional emissions of extra-terrestrial origin.

723 In Region 2, in Australia and Papua New Guinea, the use of the band 1 435—1 535 MHz by the aeronautical mobile service for telemetry has priority over other uses by the mobile service.

723A *Different category of service:* in Cuba, the band 1525-1530 MHz is allocated to the aeronautical mobile service on a primary basis, under the conditions specified in No. 723.

724 *Different category of service:* In Afghanistan, Saudi Arabia, Bahrain, Bulgaria, Cameroon, Egypt, the United Arab Emirates, France, Hungary, Iran, Iraq, Israel, Kuwait, Lebanon, Morocco, Mongolia, Oman, Poland, Qatar, Syria, the German Democratic Republic, Roumania, Czechoslovakia, the U.S.S.R., Yemen (P.D.R. of) and Yugoslavia, the allocation of the band 1 525—1 530 MHz to the mobile, except aeronautical mobile, service is on a primary basis (see No. 425).

725 *Additional allocation:* In the U.S.S.R., the band 1 525—1 530 MHz is also allocated to the aeronautical mobile service on a primary basis.

726 The allocation to the maritime mobil-satellite service in the band 1 530—1 535 MHz shall be effective from 1 January 1990. Up to that date the allocation to the fixed service shall be on a primary basis in Regions 1 and 3.

726A The bands 1530-1544 MHz, 1545-1559 MHz, 1626.5-1645.5 MHz and 1646.5-1660.5 MHz shall not be used for feeder links of any service. In exceptional circumstances, however, an earth station at a specified fixed point in any of the mobile-satellite services may be authorized by an administration to communicate via space stations using these bands.

726B The use of the bands 1533-1544, 1626.5-1631.5 and 1634.5-1645.5 MHz by the land mobile-satellite service is limited to non-speech low bit-rate data transmissions.

727 *Additional allocation:* In Afghanistan, Saudi Arabia, Bahrain, Bangladesh, Congo, Egypt, the United Arab Emirates, Ethiopia, Iran, Iraq, Israel, Jordan, Pakistan, Qatar, Sudan, Sri Lanka, Syria, Somalia, Chad, Thailand, Togo, Yemen (P.D.R. of) and Zambia, the bands 1 540—1 645.5 and 1 646.5—1 660 MHz are also allocated to the fixed service on a secondary basis.

727A The use of the band 1544-1545 MHz by the mobile-satellite service (space-to-earth) is limited to distress and safety communications (see Article N 38).

729 Transmissions in the band 1545-1555 MHz from terrestrial aeronautical stations directly to aircraft stations, or between aircraft stations, in the aeronautical mobile (R) service are also authorized when such transmissions are used to extend or supplement the satellite-to-aircraft links.

729A Notwithstanding any other provisions of the Radio Regulations relating to restrictions in the use of the bands allocated to the aeronautical mobile-satellite (R) service for public correspondence, the bands 1545-1555 MHz and 1646.5-1656.5 MHz may be authorized by administrations for public correspondence with aircraft earth stations. Such communications must cease immediately, if necessary, to permit transmission of messages with priority 1 to 6 in Article 51.

730 *Additional allocation:* In the Federal Republic of Germany, Austria, Bulgaria, Cameroon, Guinea, Hungary, Indonesia, Libya, Mali, Mongolia, Nigeria, Poland, the German Democratic Republic, Roumania, Senegal, Czechoslovakia and the U.S.S.R., the bands 1 550—1 645.5 and 1 646.5—1660 MHz are also allocated to the fixed service on a primary basis.

730A In the bands 1555-1559 and 1656.5-1660.5 MHz administrations may also authorize aircraft earth stations and ship earth stations to communicate with space stations in the land mobile-satellite service (see Resolution 208 (Mob-87)).

731 *Alternative allocation:* in Sweden, the band 1590-1626.5 MHz is allocated to the aeronautical radionavigation service on a primary basis.

731A In Region 1, stations of the aeronautical mobile service using the bands 1593-1594 MHz and 1625.5-1626.5 MHz shall not claim protection from, or cause harmful interference to, stations of the aeronautical radionavigation and radionavigation services, as applicable.

731B *Additional allocation:* the bands 1593-1594 MHz and 1625.5-1626.5 MHz are also allocated to the aeronautical mobile service in Region 1 (except in Syria and Tunisia) on a primary basis, and in Regions 2 and 3 (and in Syria and Tunisia) on a secondary basis. The use of these bands in the aeronautical mobile service is limited to public correspondence with aircraft (see Recommendation 408 (Mob-87)). The use of the band 1593-1594 MHz is limited to transmissions from aeronautical stations and the use of the band 1625.5-1626.5 MHz is limited to transmissions from aircraft stations.

731C *Different category of service:* the bands listed in No. 731B are allocated, subject to agreement obtained in accordance with the procedures set forth in Article 14, to the aeronautical mobile service on a primary basis in Greenland, the French Overseas Territories in Regions 2 and 3, Bermuda, British Virgin Islands, Cayman Islands, Montserrat and Pitcairn Island (see Recommendation 408 (Mob-87)).

731D In Region 1, stations of the aeronautical mobile service using the bands 1593-1594 MHz and 1625.5-1626.5 MHz shall not cause harmful interference to stations of the fixed service operating in the countries listed in No. 730.

732 The band 1610—1626.5 MHz is reserved on a worldwide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities. Such satellite use is subject to agreement obtained under the procedure set forth in Article 14.

733 The band 1 610—1 626.5 MHz, 5 000—5 250 MHz and 15.4—15.7 GHz are also allocated to the aeronautical mobile-satellite (R) service on a primary basis. Such use is subject to agreement obtained under the procedure set forth in Article 14.

733A In respect of the radiodetermination-satellite service the provisions of No. 953 do not apply in the frequency band 1610-1626.5 MHz.

733B *Different category of service:* in Angola, Australia, Burundi, Cote d'Ivoire, Ethiopia, India, Islamic Republic of Iran, Israel, Italy, Jordan, Kenya, Lebanon, Liberia, Libya, Madagascar, Mali, Pakistan, Papua New Guinea, Senegal, Sudan, Swaziland, Syria, Tanzania, Thailand, Togo, Zaire and Zambia the allocation of the band 1610-1626.5 MHz to the radiodetermination-satellite service (Earth-to-space) is on a primary basis (see No. 425) subject to agreement obtained under the procedure set forth in Article 14 with other countries not listed in this provision.

733C *Different category of service:* in Venezuela, the allocation to the radiodetermination-satellite service in the band 1610-1626.5 MHz is allocated exclusively to the aeronautical radionavigation service on a secondary basis.

733D *Alternative allocation:* in Cuba, the band 1610-1626.5 MHz is allocated exclusively to the aeronautical radionavigation service on a primary basis.

733E In Regions 1 through 3 harmful interference shall not be caused to stations of the radioastronomy service using the band 1610.6-1613.8 MHz by stations of the radiodetermination-satellite service.

733F In Region 1, the bands 1610-1626.5 MHz (Earth-to-space) and 2483.5-2500 MHz (space-to-Earth) are also allocated to the radiodetermination-satellite service on a secondary basis.

734 The band 1 610.6—1 613.8 MHz is also allocated to the radio astronomy service on a secondary basis for spectral line observations. In making assignments to stations of other services to which the band is allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

734A Land earth stations and ship earth stations in the mobile-satellite services operating in the bands 1631.5-1634.5 and 1656.5-1660 MHz shall not cause harmful interference to the stations in the fixed service operating in the countries listed in No. 730.

734B The use of the band 1645.5-1646.5 MHz by the mobile satellite service (Earth-to-space) and for inter-satellite links is limited to distress and safety communications (see Article N 38).

735 Transmissions in the band 1646.5-1656.5 MHz from aircraft stations in the aeronautical mobile (R) service directly to terrestrial aeronautical stations, or between aircraft stations, are also authorized when such transmissions are used to extend or supplement the aircraft-to-satellite links.

736 In making assignments to stations of other services to which the band 1 660—1 670 MHz is allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

737 *Different category of service:* In Afghanistan, Saudi Arabia, Bahrain, Benin, Bulgaria, Cameroon, the Central African Republic, the Congo, Cuba, Egypt, the United Arab Emirates, Ethiopia, Hungary, India, Indonesia, Pakistan, Poland, Qatar, Syria, the German Democratic Republic, Singapore, Somalia, Sri Lanka, Chad, Thailand, Czechoslovakia, Tunisia, the U.S.S.R., Yemen A.R., Yemen (P.D.R. of) and Yugoslavia, the allocation of the band 1 660.5—1 668.4 MHz to the fixed and the mobile, except aeronautical mobile, services is on a primary basis until 1 January 1990.

738 *Additional allocation:* In Bangladesh, India, Indonesia, Nigeria, Pakistan, Sri Lanka and Thailand, the band 1 660.5—1 668.4 MHz is also allocated to the meteorological aids service on a secondary basis.

739 In view of the successful detection by radio astronomers of two hydroxyl spectral lines in the region of 1 665 MHz and 1 667 MHz, administrations are urged to give all practicable protection in the band 1 660.5—1 668.4 MHz for future research in radio astronomy, particularly by eliminating air-to-ground transmissions in the meteorological aids service in the band 1 664.4—1 668.4 MHz as soon as practicable.

740 *Additional allocation:* In Afghanistan, Costa Rica, Cuba, India, Iran, Malaysia, Pakistan, Singapore, Sri Lanka and Thailand, the band 1 690—1 700 MHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

741 *Different category of service:* In Saudia Arabia, Austria, Bahrain, Bulgaria,

the Congo, Egypt, the United Arab Emirates, Ethiopia, Guinea, Hungary, Iraq, Israel, Jordan, Kenya, Kuwait, Lebanon, Mauritania, Mongolia, Oman, Poland, Qatar, Syria, the German Democratic Republic, Roumania, Somalia, Tanzania, Czechoslovakia, the U.S.S.R., Yemen A.R., Yemen (P.D.R. of) band 1 690—1 700 MHz to the fixed and mobile, except aeronautical mobile, service is on a primary basis (see No. 425).

742 *Additional allocation:* In Australia and Indonesia, the band 1 690—1 700 MHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a secondary basis.

743 *Additional allocation:* In India, Indonesia, Japan and Thailand, the band 1 700—1 710 MHz is also allocated to the space research service (space-to-Earth) on a primary basis.

743A *Different category of service:* in the Federal Republic of Germany, Austria, Denmark, Finland, Israel, Norway, the Netherlands, the United Kingdom, Switzerland and Syria, in the band 1700-2450 MHz, in Sweden in the bands 1700-1710 MHz and 2290-2450 MHz and in Yugoslavia in the band 2300-2450 MHz, the allocation to the land mobile service is on a primary basis (see No. 425), subject to agreement obtained under the procedure set forth in Article 14.

744 The band 1 718.8—1 722.2 MHz is also allocated to the radio astronomy service on a secondary basis for spectral line observations. In making assignments to stations of other services to which the band is allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

745 Subject to agreement obtained under the procedure set forth in Article 14 and having particular regard to tropospheric scatter systems, the band 1 750—1 850 MHz may also be used for space operation (Earth-to-space) and space research (Earth-to-space) services in Region 2, in Afghanistan, Australia, India, Indonesia, Japan and Thailand.

746 *Additional allocation:* In Bulgaria, Cuba, Hungary, Mali, Mongolia, Poland, the German Democratic Republic, Roumania, Czechoslovakia and the U.S.S.R., the band 1 770—1 790 MHz is also allocated to the meteorological-satellite service on a primary basis, subject to agreement obtained under the procedure set forth in Article 14.

747 Subject to agreement obtained under the procedure set forth in Article 14, the band 2 025—2 110 MHz may also be used for Earth-to-space and space-to-space transmissions in the space research, space operation and earth exploration-satellite services. The services using space-to-space transmissions shall operate in accordance with the provisions of Nos. 2557 to 2560 and shall not cause harmful interference to the other space services.

748 Subject to agreement obtained under the procedure set forth in Article 14, the band 2 110—2 120 MHz may also be used for Earth-to-space transmissions in the space research (deep space) service.

749 Subject to agreement obtained under the procedure set forth in Article 14, the band 2 110—2 120 MHz may also be used in Japan for the space research (Earth-to-space) and space operation (Earth-to-space) services until 31 December 1990.

750 Subject to agreement obtained under the procedure set forth in Article 14, the band 2 200—2 290 MHz may also be used for space-to-Earth and space-to-space transmissions in the space research, space operations and earth exploration-satellite services. These services shall operate in accordance with the provisions of Nos. 2557 to 2560; the space-to-space transmissions shall not cause harmful interference to the other space services.

751 In Australia, the United States and Papua New Guinea, the use of the band 2 310—2 390 MHz by the aeronautical mobile service for telemetry has priority over other uses by the mobile services.

752 The band 2 400—2 500 MHz (centre frequency 2 450 MHz) is designated for industrial, scientific and medical (ISM) applications. Radio services operating within this band must accept harmful interference which may be caused by these applications. ISM equipment operating in this band is subject to the provisions of No. 1815.

753 *Alternative allocation:* in France, the bands 2450-2483.5 MHz and 2500-2550 MHz are allocated on a primary basis to the radiolocation service and on a secondary basis to the fixed and mobile services (see Nos. 424 and 425). Such use is subject to agreement with the administrations having services operating or planned to operate in accordance with the Table which may be affected.

753A In respect of the radiodetermination-satellite service in the band 2483.5-2500 MHz, the provisions of No. 953 do not apply.

753B In Region 1, in countries other than those listed in No. 753C, harmful interference shall not be caused to, or protection shall not be claimed from, stations of the radiolocation service by stations of the radiodetermination-satellite service.

753C *Different category of service:* in Angola, Australia, Burundi, Cote d'Ivoire, Ethiopia, India, Islamic Republic of Iran, Israel, Italy, Jordan, Kenya, Lebanon, Liberia, Libya, Madagascar, Mali, Pakistan, Papua New Guinea, Senegal, Sudan, Swaziland, Syria, Tanzania, Thailand, Togo, Zaire and Zambia, the allocation of the band 2483.5-2500 MHz to the radiodetermination-satellite service (space-to-Earth) is on a primary basis (see No. 425) subject to agreement obtained under the procedure of Article 14 with other countries not listed in this provision.

753D *Alternative allocation:* in Cuba, the band 2483.5-2500 MHz is allocated only to fixed, mobile and radiolocation services on a primary basis.

753E *Alternative allocation:* in France, the band 2483.5-2500 MHz is allocated on a primary basis to the radiolocation service and on a secondary basis to the mobile service (see Nos. 424 and 425). Such use is subject to agreement with the administrations having services operating or planned to operate in accordance with the Table which may be affected.

754 Subject to agreement obtained under the procedure set forth in Article 14, the band 2 500—2 535 MHz may also be used in Region 3 for the mobile-satellite (space-to-Earth), except aeronautical mobile-Satellite, service for operation limited to within national boundaries.

754A *Additional allocation:* subject to agreement obtained under the procedure set forth in Article 14, the band 2500-2516.5 MHz may also be used in India, the Islamic Republic of Iran, Papua New Guinea and Thailand for the radiodetermination-satellite service (space-to-Earth) for operation limited to within national boundaries.

755 *Additional allocation:* In Canada, the band 2 500—2 550 MHz is also allocated to the radiolocation service on a primary basis.

756 *Additional allocation:* In the United Kingdom, the band 2 500—2 600 MHz is also allocated to the radiolocation service on a secondary basis.

757 The use of the band 2 500—2 690 MHz by the broadcasting-satellite service is limited to national and regional systems for community reception and such use shall be subject to agreement obtained under the procedure set forth in Article 14. The power flux-density at the Earth's surface shall not exceed the values given in Nos. 6561 to 6564.

758 *Alternative allocation:* In the Federal Republic of Germany and Greece, the band 2 500—2 690 MHz is allocated to the fixed service on a primary basis.

759 *Alternative allocation:* In Bulgaria and the U.S.S.R., the band 2 500—2 690 MHz is allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

760 In the design of systems in the broadcasting-satellite service in the bands between 2 500—2 690 MHz, administrations are urged to take all necessary steps to protect the radio astronomy service in the band 2 690—2 700 MHz

761 The use of the bands 2 500—2 690 MHz in Region 2 and 2 500—2 535 MHz and 2 655—2 690 MHz in Region 3 by the fixed-satellite service is limited to national and regional systems; such use shall be subject to agreement obtained under the procedure set forth in Article 14, giving particular attention to the broadcasting-satellite service in Region 1. In the direction space-to-Earth, the power flux-density at the Earth's surface shall not exceed the values given in Nos. 2561 to 2564.

762 Administrations shall make all practicable efforts to avoid developing new tropospheric scatter systems in the band 2 500—2 690 MHz.

763 Subject to agreement obtained under the procedure set forth in Article 14, the band 2 500—2 690 MHz may be used for tropospheric scatter systems in Region 1.

764 When planning new tropospheric scatter radio-relay links in the band 2 500—2 690 MHz; all possible measures shall be taken to avoid directing the antennae of these links toward the geostationary-satellite orbit.

765 In making assignments to stations of other services, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference in the band 2 655—2 690 MHz. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

766 Subject to agreement obtained under the procedure set forth in Article 14, the band 2 655—2 690 MHz may also be used in Region 3 for the mobile-satellite (Earth-to-space), except aeronautical mobile-satellite, service for operation limited to within national boundaries.

767 *Additional allocation:* In the Federal Republic of Germany and Austria, the band 2 690—2 695 MHz is also allocated to the fixed service on a primary basis. Such use is limited to equipment in operation by 1 January 1985.

768 All emissions in the band 2 690—2 700 MHz are prohibited, except those provided for by Nos. 767 and 769.

769 *Additional allocation:* In Afghanistan, Saudi Arabia, Bahrain, Bulgaria, Cameroon, the Central African Republic, the Congo, the Ivory Coast, Cuba, Egypt, the United Arab Emirates, Ethiopia, Gabon, Guinea, Guinea-Bissau, Hungary, Iran, Iraq, Israel, Lebanon, Malaysia, Malawi, Mali, Morocco, Mauritania, Mongolia, Nigeria, Oman, Pakistan, the Philippines, Poland, Qatar, the Syria, German Democratic Republic, Roumania, Singapore, Somalia, Sri Lanka, Czechoslovakia, Tunisia, Thailand, the U.S.S.R., Yemen A.R., Yemen (P.D.R. of), Yugoslavia, Zaire and Zambia, the band 2 690—2 700 MHz is also allocated to the

fixed and mobile, except aeronautical mobile, services on a primary basis. Such use is limited to equipment in operation by 1 January 1985.

770 In the band 2 700—2 900 MHz, ground-based radars used for meteorological purposes are authorized to operate on a basis of equality with stations of the aeronautical radionavigation service.

771 *Additional allocation:* In Canada, the band 2 850—2 900 MHz is also allocated to the maritime radionavigation service, on a primary basis, for use by shore-based radars.

772 In the band 2900-3100 MHz, the use of the shipborne interrogator-transponder system (SIT) shall be confined to the sub-band 2930-2950 MHz.

773 The use of the band 2 900—3 100 MHz by the aeronautical radionavigation service is limited to ground based radars.

775A In the bands 2900-3100 MHz and 9300-9500 MHz, the response from radar transponders shall not be capable of being confused with the response from radar beacons (racons) and shall not cause interference for ship or aeronautical radars in the radionavigation service, having regard, however, to No. 347 of these Regulations.

777 *Additional location:* In Bulgaria, Canada, Cuba, Hungary, Mongolia, Poland, the German Democratic Republic, Roumania, Czechoslovakia and the U.S.S.R., the band 3 100—3 300 MHz is also allocated to the radionavigation service on a primary basis.

778 In making assignments to stations of other service, administrations are urged to take all practicable steps to protect the spectral line observations of the radio astronomy service from harmful interference in the bands 3 260—3 267 MHz, 3 332—3 339 MHz, 3 345.8—3 352.5 MHz and 4 825—4 835 MHz. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

779 *Additional allocation:* In Afghanistan, Saudi Arabia, Bahrain, Bangladesh, China, the Congo, the United Arab Emirates, India, Indonesia, Iran, Iraq, Israel, Japan, Kuwait, Lebanon, Libya, Malaysia, Oman, Pakistan, Qatar, Syria, Singapore, Sri Lanka and Thailand, the band 3 300—3 400 MHz is also allocated to the fixed and mobile services on a primary basis. The countries bordering the Mediterranean shall not claim protection for their fixed and mobile services from the radiolocation service.

780 *Additional location:* In Bulgaria, Cuba, Hungary, Mongolia, Poland, the German Democratic Republic, Roumania, Czechoslovakia and the U.S.S.R., the band 3 300—3 400 MHz is also allocated to the radionavigation service on a primary basis.

781 *Additional allocation:* In the Federal Republic of Germany, Israel and the United Kingdom, the band 3 400—3 475 MHz is also allocated to the amateur service on a secondary basis.

782 *Different category of service:* In Austria, the allocation of the band 3 400—3 500 MHz to the radiolocation service is on a primary basis (see No. 425), subject to the agreement of the administrations of the following countries: Hungary, Italy, the German Democratic Republic, Czechoslovakia and Yugoslavia. Such use is limited to ground-based stations. However, this administration is urged to cease operations by 1985. After this date this administration shall take all practicable steps to protect the fixed-satellite service and coordination requirements shall not be imposed on the fixed-satellite service.

783 *Different category of service:* In Indonesia, Japan, Pakistan and Thailand, the allocation of the band 3 400—3 500 MHz to the mobile, except aeronautical mobile, service is on a primary basis (see No. 425).

784 In Regions 2 and 3, in the band 3 400—3 600 MHz the radiolocation service is allocated on a primary basis. However, all administrations operating radiolocation systems in this band are urged to cease operations by 1985. Thereafter, administrations shall take all practicable steps to protect the fixed-satellite service and coordination requirements shall not be imposed on the fixed-satellite service.

785 In Denmark, Norway and the United Kingdom, the fixed, radiolocation and fixed-satellite services operate on a basis of equality of rights in the band 3 400—3 600 MHz. However, these administrations operating radiolocation systems in this band are urged to cease operations by 1985. After this date these administrations shall take all practicable steps to protect the fixed-satellite service and coordination requirements shall not be imposed on the fixed-satellite service.

786 In Japan, in the band 3 620—3 700 MHz, the radiolocation service is excluded.

787 *Additional allocation:* In New Zealand, the band 3 700—3 770 MHz is also allocated to the radiolocation service on a secondary basis.

788 *Additional allocation:* In the Federal Republic of Germany, Denmark, Norway and Sweden, the band 4 200—4 210 MHz is also allocated to the fixed service on a secondary basis.

789 Use of the band 4 200—4 400 MHz by the aeronautical radionavigation service is reserved exclusively for radio altimeters installed on board aircraft and for the associated transponders on the ground. However, passive sensing in the Earth exploration-satellite and space research services may be authorized in this band on a secondary basis

(no protection is provided by the radio altimeters).

790 *Additional allocation:* In China, Iran, Libya, the Philippines and Sri Lanka, the band 4 200—4 400 MHz is also allocated to the fixed service on a secondary basis.

791 The standard frequency and time signal-satellite service may be authorized to use the frequency 4 202 MHz for space-to-Earth transmissions and the frequency 6 427 MHz for Earth-to-space transmissions. Such transmissions shall be confined within the limits of ±2 MHz of these frequencies and shall be subject to agreement obtained under the procedure set forth in Article 14.

792 *Alternative allocation:* In Belgium, Norway, the Netherlands and the United Kingdom, the band 4 500—4 800 MHz, is allocated to the fixed and mobile services on a primary basis. Such use shall not impose power flux-density limitations on the fixed-satellite service greater than those given in No. 2566.

793 In the bands 4 825—4 835 MHz and 4 950—4 990 MHz, the allocation to the mobile service is restricted to the mobile, except aeronautical mobile, service.

794 *Different category of service:* In Argentina, Australia and Canada, the allocation of the bands 4 825—4 835 MHz and 4 950—4 990 MHz to the radim astronomy service is on a primary basis. In making assignments to stations of other services to which these bands are allocated, administratimns are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

795 In making assignments to stations of other services to which the band 4 990—5 000 MHz is allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

796 The band 5 000—5 250 MHz is to be used for the operatimn of the international standard system (microwave landing system) for precision approach and landing. The requirements of this system shall take precedence over other uses of this band.

797 The bands 5 000—5 250 MHz, and 15.4—15.7 GHz are also allocated to the fixed-satellite service and the inter-satellite service, for connection between one or more earth stations at specified fixed points on the Earth and space stations, when these services are used in conjunction with the aeronautical radionavigation and/or aeronautical mobile (R) service. Such use shall be subject to agreement obtained under the procedure set forth in Article 14.

797A *Additional allocation*: in the countries listed in Nos. 733B and 753C, and subject to agreement obtained under the procedure set forth in Article 14, and band 5150-5216 MHz is also allocated to the radiodetermination-satellite service (space-to-Earth) on a primary basis. In Region 2, the band is also allocated to the radiodetermination-satellite service (space-to-Earth) on a primary basis. In regions 1 and 3, except those countries listed in Nos. 733B and 753C, the band is also allocated to the radiodetermination-satellite service (space-to-Earth) on a secondary basis. The use by the radiodetermination-satellite service is limited to feeder links in conjunction with the radiodetermination-satellite service operating in the bands 1610-1626.5 MHz and/or 2483.5-2500 MHz. The total power flux-density at the Earth's surface shall in no case exceed −159 dBW/m^2 in any 4 kHz band for all angles of arrival.

797B *Additional allocation*: in the Federal Republic of Germany, Austria, Denmark, Spain, France, Finland, Israel, Italy, Jordan, Morocco, Norway, the Netherlands, Pakistan, the United Kingdom, Sweden, Switzerland, Syria and Tunisia, the band 5150-5250 MHz is also allocated to the mobile service, on a primary basis, subject to the agreement obtained under the procedure set forth in Article 14.

798 *Additional allocation:* In Austria, Bulgaria, Hungary, Libya, Mongolia, Poland, the German Democratic Repubilc, Roumania, Czechoslovakia and the U.S.S.R., the band 5 250—5 350 MHz is also allocated to the radionavigation service on a primary basis.

799 The use of the band 5 350—5 470 MHz by the aeronautical radionavigational service is limited to airborne radars and associated airborne beacons.

800 *Additional allocation:* In Afghanistan, Austria, Bulgaria, Hungary, Iran, Mongolia, Poland, the German Democratic Republic, Roumania, Czechoslovakia and the U.S.S.R., the band 5 470—5 650 MHz is also allocated to the aeronautical radionavigation service on a primary basis.

801 *Additional allocation:* In the United Kingdom, the band 5 470—5 850 MHz is also allocated to the land mobile service on a secondary basis. The power limits specified in Nos. 2502, 2505, 2506 and 2507 shall apply in the band 5 725—5 850 MHz.

802 Between 5 600 MHz and 5 650 MHz, ground-based radars used for meterological purposes are authorized to operate on a basis of equality with stations of the maritime radionavigation service.

803 *Additional allocation:* In Afghanistan, Saudi Arabia, Bahrain, Bangladesh, Cameroon, Central African Republic, China,

Congo, the Republic of Korea, Egypt, the United Arab Emirates, Gabon, Guinea, India, Indonesia, Iran, Iraq, Israel, Japan, Jordan, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Malawi, Malta, Niger, Nigeria, Pakistan, the Philippines, Qatar, Syria, Singapore, Sri Lanka, Tanzania, Chad, Thailand and Yemen (P.D.R. of) the band 5 650—5 850 MHz is also allocated to the fixed and mobile services on a primary basis.

804 *Different category of service:* In Bulgaria, Cuba, Hungary, Mongolia, Poland, the German Democratic Republic, Czechoslovakia and the U.S.S.R., the allocation of the band 5 670—5 725 MHz to the space research service is on a primary basis (see No. 425).

805 *Additional allocation:* In Bulgaria, Cuba, Hungary, Mongolia, Poland, the German Democratic Republic, Czechoslovakia and the U.S.S.R., the bank 5 670—5 850 MHz is also allocated to the fixed service on a primary basis.

806 The band 5 725— 5 875 MHz (centre frequency 5 800 MHz) is designated for industrial, scientific and medical (ISM) applications. Radiocommunication services operating within this band must accept harmful interference which may be caused by these applications. ISM equipment operating in this band is subject to the provisions of No. 1815.

807 *Additional allocation:* In the Federal Republic of Germany, the band 5 755—5 850 MHz is also allocated to the fixed service on a primary basis.

808 The band 5 830—5 850 MHz is also allocated to the amateur-satellite service (space-to-Earth) on a secondary basis.

809 In the band 6 425—7 075 MHz, passive microwave sensor measurements are carried out over the oceans. In the band 7 075—7 250 MHz, passive microwave sensor measurements are carried out. Administrations should bear in mind the needs of the earth exploration-satellite (passive) and space research (passive) services in their future planning of this band.

810 Subject to agreement obtained under the procedure set forth in Article 14, in Region 2, the band 7 125—7 155 MHz may be used for Earth-to-space transmissions in the space operation service.

811 Subject to agreement obtained under the procedure set forth in Article 14, the band 7 145—7 235 MHz may be used for Earth-to-space transmissions in the space research service. The use of the band 7 145—7 190 MHz is restricted to deep space; no emissions to deep space shall be effected in the band 7 190—7 235 MHz.

812 The bands 7 250—7 375 MHz (space-to-Earth) and 7 900—8 025 MHz (Earth-to-space) may also be used by the mobile-satellite service. The use of these bands by this service shall be subject to agreement obtained under the procedure set forth in Article 14.

813 In the band 8 025—8 400 MHz the power flux-density limits specified in No. 2570 shall apply in Regions 1 and 3 to the earth exploration-satellite service.

814 In Region 2, aircraft stations are not permitted to transmit in the band 8 025—8 400 MHz.

815 Subject to agreement obtained under the procedure set forth in Article 14, the band 8 025—8 400 MHz may be used for the earth exploration-satellite service (space-to-Earth) in Bangladesh, Benin, Cameroon, China, the Central African Republic, the Ivory Coast, Egypt, France, Guinea, Upper Volta, India, Iran, Israel, Italy, Japan, Kenya, Libya, Mali, Niger, Pakistan, Senegal, Somalia, Sudan, Sweden, Tanzania, Zaire and Zambia, on a primary basis.

816 In the space research service, the use of the band 8 400—8 450 MHz is limited to deep space.

817 *Different category of service:* In Belgium, Israel, Luxembourg, Malaysia, Singapore and Sri Lanka, the allocation of the band 8 400—8 500 MHz to the space research service is on a secondary basis (see No. 424).

818 *Alternative allocation:* In the United Kingdom, the band 8 400—8 500 MHz is allocated to the radiolocation and space research services on a primary basis.

819 *Additional allocation:* In Saudi Arabia, Bahrain, Bangladesh, Burundi, Cameroon, China, the Congo, Costa Rica, Egypt, the United Arab Emirates, Gabon, Guinea, Guyana, Indonesia, Iran, Iraq, Israel, Jamaica, Kuwait, Libya, Malaysia, Mali, Morocco, Mauritania, Nepal, Niger, Nigeria, Oman, Pakistan, Qatar, Syria, Senegal, Singapore, Somalia, Sri Lanka, Tanzania, Chad, Thailand, Togo and Tunisia, the band 8 500—8 750 MHz is also allocated to the fixed and mobile services on a primary basis.

820 *Additional allocation:* In Bulgaria, Hungary, Mongola, Poland, the German Democratic Republic, Rounmania, Czechoslovakia and the U.S.S.R., the band 8 500—8 750 MHz is also allocated to the land mobile and radionavigation services on a primary basis.

821 The use of the band 8 750—8 850 MHz by the aeronautical radionavigation service is limited to airborne doppler navigation aids on a centre frequency of 8 800 MHz.

822 *Additional allocation:* In Algeria, the Federal Republic of Germany, Bahrain, Belgium, China, the United Arab Emirates, France, Greece, Indonesia, Iran, Libya, the Netherlands, Qatar, Sudan and Thailand, the bands 8 825—8 850 MHz and 9 000—9 200 MHz are also allocated to the maritime

radionavigation service, on a primary basis, for use by shore-based radars only.

823 In the bands 8 850—9 000 MHz and 9 200—9 225 MHz, the maritime radionavigation service is limited to shore-based radars.

824 *Additional allocation:* In Austria, Bulgaria, Cuba, Hungary, Mongolia, Poland, the German Democratic Republic, Roumania, Czechoslovakia and the U.S.S.R., bands 8 850—9 000 MHz and 9 200—9 300 MHz are also allocated to the radionavigation service on a primary basis.

824A In the band 9200-9500 MHz, search and rescue transponders (SART) may be used, having due regard to the appropriate CCIR Recommendation (see also Article N 38).

825 The use of the band 9 300—9 500 MHz by the aeronautical radionavigation service is limited to airborne weather radars and ground-based radars. In addition, ground-based radar beacons in the aeronautical radionavigation service are permitted in the band 9 300—9 320 MHz on condition that harmful interference is not caused to the maritime radionavigation service. In the band 9 300—9 500 MHz, ground-based radars used for meteorological purposes have priority over other radiolocation devices.

825A In the band 9300-9320 MHz in the radionavigation service, the use of shipborne radars, other than those existing on 1 January 1976, is not permitted until 1 January 2001.

826 *Different category of service:* In Afghanistan, Saudi Arabia, Austria, Bahrain, Bangladesh, Cameroon, the Republic of Korea, Egypt, the United Arab Emirates, Ethiopia, Guyana, India, Indonesia, Iran, Iraq, Israel, Jamaica, Japan, Jordan, Kuwait, the Lebanon, Liberia, Malaysia, Nigeria, Pakistan, Qatar, Singapore, Somalia, Sudan, Sri Lanka, Sweden, Thailand, Trinidad and Tobago, and Yemen (P.D.R. of), the allocation of the band 9 800—10 000 MHz to the fixed service is on a primary basis (see No. 425).

827 *Additional allocation:* In Bulgaria, Hungary, Mongolia, Poland, the German Democratic Republic, Roumania, Czechoslovakia and the U.S.S.R., the band 9 800—10 000 MHz is also allocated to the radionavigation service on a primary basis.

828 The band 9 975—10 025 MHz is also allocated to the meteorological-satellite service on a secondary basis for use by weather radars.

829 *Additional allocation:* In Costa Rica, Ecuador, Guatemala, and Honduras, the band 10—10.45 GHz is also allocated to the fixed and mobile services on a primary basis.

830 *Additional allocation:* In the Federal Republic of Germany, Angola, China, Ecuador, Spain, Japan, Kenya, Morocco, Nigeria, Sweden, Tanzania and Thailand, the band 10.45—10.5 GHz is also allocated to the fixed and mobile services on a primary basis.

831 In the band 10.6—10.68 GHz, the fixed and mobile, except aeronautical mobile, services shall be limited to a maximum equivalent isotropically radiated power of 40 dBW and the power delivered to the antenna shall not exceed −3 dBW. These limits may be exceeded subject to agreement obtained under the procedure set forth in Article 14. However, in Afghanistan, Saudi Arabia, Bahrain, Bangladesh, China, the United Arab Emirates, Finland, India, Indonesia, Iran, Iraq, Japan, Kuwait, Lebanon, Nigeria, Pakistan, the Philippines, Qatar, Syria and the U.S.S.R., the restrictions on the fixed and mobile, except aeronautical mobile, services are not applicable.

832 In making assignments to stations of other services to which the band 10.6—10.68 GHz is allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

833 All emissions in the band 10.68—10.7 GHz are prohibited except for those provided for by No. 834.

834 *Additional allocation:* In Saudi Arabia, Bahrain, Bulgaria, Cameroon, China, Colombia, the Republic of Korea, Costa Rica, Cuba, Egypt, the United Arab Emirates, Ecuador, Hungary, Iran, Iraq, Israel, Japan, Kuwait, Lebanon, Mongolia, Pakistan, Poland, Qatar, the German Democratic Republic, Roumania, Czechoslovakia, the U.S.S.R. and Yugoslavia, the band 10.68—10.7 GHz is also allocated to the fixed and mobile, except aeronautical mobile, service on a primary basis. Such use is limited to equipment in operation by 1 January 1985.

835 In Region 1, the use of the band 10.7—11.7 GHz by the fixed-satellite service (Earth-to-space) is limited to feeder links for the broadcasting-satellite service.

836 In Region 2, in the band 11.7—12.1 GHz, transponders on space stations in the fixed-satellite service may be used additionally for transmissions in the broadcasting-satellite service, provided that such transmissions do not have a maximum e.i.r.p. greater than 53 dBW per television channel and do not cause greater interference or require more protection from interference than the coordinated fixed-satellite service frequency assignments. With respect to the space services, this band shall be used principally for the fixed-satellite service. The upper limit of this band shall be modified in accordance with the decisions of the 1983 Regional Administrative Radio Conference for Region 2 (see No. 841).

837 *Different category of service:* In Canada, Mexico and the United States, the allocation of the band 11.7—12.2 GHz to the

fixed service is on a secondary basis (see No. 424).

838 In the band 11.7—12.5 GHz in Regions 1 and 3 the fixed, fixed-satellite, mobile, except aeronautical mobile, and broadcasting services, in accordance with their respective allocations, shall not cause harmful interference to broadcasting-satellite stations operating in accordance with the provisions of Appendix 30.

839 The use of the band 11.7—12.7 GHz in Region 2 by the fixed-satellite and broadcasting-satellite services is limited to national and sub-regional systems and is subject to previous agreement between the administrations concerned and those having services, operating or planned to operate in accordance with the Table, which may be affected (see Articles 11, 13, 14, and Resolution 33).

840 For the use of the band 11.7—12.75 GHz in Regions 1, 2 and 3, see Resolutions 31, 34, 504, 700 and 701.

841 The 1983 regional administrative radio conference for Region 2 will divide the band 12.1—12.3 GHz into two sub-bands. It will allocate the lower sub-band to the fixed-satellite service and the upper sub-band to the broadcasting-satellite, broadcasting, mobile except aeronautical mobile, and fixed services, all services being on a primary basis.

842 *Additional allocation:* The bands 12.1—12.3 GHz in Brazil and Peru and 12.2—12.3 GHz in the United States are also allocated to the fixed service on a primary basis.

843 In the band 12.1—12.7 GHz, the Region 2 space services, existing or planned before the 1983 regional administrative radio conference for Region 2, shall not impose restrictions on the elaboration of the Plan for the broadcasting-satellite service in Region 2 and shall be operated under the conditions set forth by that conference.

844 In Region 2, in the band 12.1—12.7 GHz, existing and future terrestrial radiocommunication services shall not cause harmful interference to the space services operating in accordance with the broadcasting-satellite plan to be prepared at the 1983 regional administrative radio conference for Region 2, and shall not impose restrictions on the elaboration of such a plan. The lower limit of this band shall be modified in accordance with the decisions of that conference for the Region 2 (see No. 841).

845 In Region 3 the band 12.2—12.5 GHz is also allocated to the fixed-satellite (space to Earth) service limited to national and sub-regional systems. The power flux-density limits in No. 2574 shall apply to this frequency band. The introduction of the service in relation to the broadcasting-satellite service in Region 1 shall follow the procedures specified in Article 7 of Appendix 30 with the applicable frequency band extended to cover 12.2—12.5 GHz.

846 In Region 2, in the band 12.3—12.7 GHz, assignments to stations of the broadcasting-satellite service made available in the plan to be established by the 1983 regional administrative radio conference for Region 2 may also be used for transmissions in the fixed-satellite service (space-to-Earth), provided that such transmissions do not cause more interference or require more protection from interference than the broadcasting-satellite service transmissions operating in accordance with that plan. With respect to the space services, this band shall be used principally for the broadcasting-satellite service. The lower limit of this band shall be modified in accordance with the decisions of that conference for Region 2 (see No. 841).

847 The broadcasting-satellite service in the band 12.5—12.75 GHz in Region 3 is limited to community reception with a power flux-density not exceeding −111 (dBW/m^2) as defined in Annex 8 of Appendix 30.

848 *Additional allocation:* In Algeria, Angola, Saudi Arabia, Bahrain, Cameroon, the Central African Republic, the Congo, the Ivory Coast, Egypt, the United Arab Emirates, Ethiopia, Gabon, Ghana, Guinea, Iraq, Israel, Jordan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Mali, Morocco, Mongolia, Niger, Nigeria, Qatar, Syria, Senegal, Somalia, Sudan, Chad, Togo, Yemen (P.D.R. of) and Zaire, the band 12.5—12.75 GHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

849 *Additional allocation:* In the Federal Republic of Germany, Belgium, Denmark, Spain, Finland, France, Greece, Liechtenstein, Luxembourg, Monaco, Norway, Uganda, the Netherlands, Portugal, Roumania, Sweden, Switzerland, Tanzania, Tunisia and Yugoslavia, the band 12.5—12.75 GHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a secondary basis.

850 *Additional allocation:* In Austria, Bulgaria, Hungary, Poland, the German Democratic Republic, Czechoslovakia and the U.S.S.R., the band 12.5—12.75 GHz is also allocated to the fixed service and the mobile, except aeronautical mobile, service on a primary basis. However, stations in these services shall not cause harmful interference to fixed-satellite earth stations of countries in Region 1 other than those mentioned in this footnote. Coordination of these earth stations is not required with stations of the fixed and mobile services of the countries mentioned in this footnote.

851 The use of the band 13.25—13.4 GHz by the aeronautical radionavigation service is limited to Doppler navigation aids.

852 Subject to agreement obtained under the procedure set forth in Article 14, the band 13.25—13.4 GHz may also be used in

the space research service (Earth-to-space) on a secondary basis.

853 *Additional allocation:* In Bangladesh, India and Pakistan, the band 13.25—14 GHz is also allocated to the fixed service on a primary basis.

854 *Additional allocation:* In Afghanistan, Algeria, Angola, Saudi Arabia, Bahrain, Cameroon, the Republic of Korea, Egypt, the United Arab Emirates, Finland, Gabon, Guinea, Indonesia, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Madagascar, Malaysia, Malawi, Mali, Malta, Morocco, Mauritania, Niger, Nigeria, Pakistan, Qatar, Syria, Senegal, Singapore, Sri Lanka, Sudan, Sweden, Chad, Thailand and Tunisia, the band 13.4—14 GHz is also allocated to the fixed and mobile services on a primary basis.

855 *Additional allocation:* In Austria, Bulgaria, Hungary, Japan, Mongolia, Poland, the Germal Democratic Republic, Roumania, the United Kingdom, Czechoslovakia and the U.S.S.R., the band 13.4]14 GHz is also allocated to the radionavigation service on a primary basis.

856 The use of the band 14—14.3 EHz by the radionavigation service shall be such as to provide sufficient protection to space stations of the fixed-satellite service (see Recommendation 708).

857 *Additional allocation:* In Afghanistal, Algeria, Angola, Saudi Arabia, Australia, Bahrain, Bangladesh, Botswana, Cameroon, China, the Republic of Korea, Egypt, the United Arab Emirates, Gabon, Guatemala, Guinea, India, Indonesia, Iran, Iraq, Israel, Japan, Kenya, Kuwait, Lesotho, Lebanon, Malaysia, Malawi, Mali, Malta, Morocco, Mauritania, Niger, Pakistan, the Philippines, Qatar, Syria, Senegal, Singapore, Somalia, Sudan, Sri Lanka, Switzerland, Tanzania, Chad, Thailand and Yemen (P.D.R. of), the band 14—14.3 GHz is also allocated to the fixed service on a primary basis.

858 The band 14—14.5 GHz may be used, within the fixed-satellite service (Earth-to-space), for feeder links for the broadcasting-satellite service, subject to coordination with other networks in the fixed-satellite service. Such use for feeder links is reserved for countries outside Europe and for Malta.

859 The band 14—14.5 GHz is also allocated to the land mobile-satellite service (Earth-to-space) on a secondary basis.

860 *Additional allocation:* In the Federal Republic of Germany, Austria, Belgium, Denmark, Spain, Finland, France, Greece, Ireland, Iceland, Italy, Jordan, Libya, Liechtenstein, Luxembourg, Norway, the Netherlands, Portugal, the United Kingdom, Sweden, Switzerland, Turkey and Yugoslavia, the band 14.25—14.3 GHz is also allocated to the fixed service on a primary basis.

861 *Additional allocation:* In Japan, Pakistan, the United Kingdom and Thailand, the band 14.25—14.3 GHz is also allocated to the mobile, except aeronautical mobile, service on a primary basis.

862 In making assignments to stations of others services to which the band 14.47—14.5 GHz is allocated, administrations are urged to take all practicable steps to protect spectral line observations of the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

863 The use of the band 14.5—14.8 GHz by the fixed-satellite service (Earth-to-space) is limited to feeder links for the broadcasting-satellite service. This use is reserved for countries outside Europe and for Malta.

864 All emissions in the band 15.35—15.4 GHz are prohibited, except those provided for by No. 865.

865 *Additional allocation:* In Afghanistan, Saudi Arabia, Bahrain, Cameroon, Egypt, the United Arab Emirates, Guinea, Pakistan, Iran, Iraq, Israel, Kuwait, Lebanon, Libya, Qatar, Syria, Somalia and Yugoslavia, the band 15.35—15.4 GHz is also allocated to the fixed and mobile services on a secondary basis.

866 *Additional allocation:* In Afghanistan, Algeria, Angola, Saudi Arabia, Austria, Bahrain, Bangladesh, Cameroon, Costa Rica, Egypt, El Salvador, the United Arab Emirates, Finland, Guatemala, India, Indonesia, Iran, Kuwait, Libya, Malaysia, Malawi, Malta, Morocco, Mozambique, Nepal, Nicaragua, Oman, Pakistan, Qatar, Singapore, Somalia, Sudan, Sri Lanka, Sweden, Tanzania, Chad, Thailand, Yemen (P.D.R. of) and Yugoslavia, the band 15.7—17.3 GHz is also allocated to the fixed and mobile services on a primary basis.

867 *Additional allocation:* In Israel, the band 15.7—17.3 GHz is also allocated to the fixed and mobile services on a primary basis. These services shall not claim protection from, or cause harmful interference to services operating in accordance with the Table in countries other than those included in 866.

868 *Additional allocation:* In Afghanistan, Algeria, the Federal Republic of Germany, Angola, Saudi Arabia, Austria, Bahrain, Bangladesh, Cameroon, Costa Rica, El Salvador, the United Arab Emirates, Finland, Guatemala, Honduras, India, Indonesia, Iran, Iraq, Israel, Japan, Kuwait, Libya, Nepal, Nicaragua, Pakistan, Qatar, Sudan, Sri Lanka, Sweden, Thailand and Yugoslavia, the band 17.3—17.7 GHz is also allocated to the fixed and mobile services on a secondary basis. The power limits given in Nos. 2505 and 2508 shall apply provisionally (see Resolution 101).

869 The use of the band 17.3—18.1 GHz by the fixed-satellite service (Earth-to-

space) is limited to feeder links for the broadcasting-satellite service.

870 The band 18.1—18.3 GHz is also allocated to the meteorological-satellite service (Earth-to-space) on a primary basis. Its use is limited to geostationary satellites and shall be in accordance with the provisions of No. 2578.

871 In making assignments to stations in the fixed and mobile services, administrations are invited to take account of passive sensors in the earth-exploration satellite and space research services operating in the band 18.6—18.8 GHz. In this band, administrations should endeavor to limit as far as possible both the power delivered by the transmitter to the antenna and the e.i.r.p. in order to reduce the risk of interference to passive sensors to the minimum.

872 In assigning frequencies to stations in the fixed-satellite service in the direction (space-to-Earth), administrations are requested to limit as far as practicable the power flux-density at the Earth's surface in the band 18.6—18.8 GHz, in order to reduce the risk of interference to passive sensors in the earth exploration-satellite and space research services.

873 *Additional allocation:* In Afghanistan, Algeria, Angola, Saudi Arabia, Bahrain, Bangladesh, Brazil, Cameroon, China, the Congo, the Republic of Korea, Costa Rica, Egypt, the United Arab Emirates, Gabon, Guatemala, Guinea, India, Indonesia, Iran, Iraq, Israel, Japan, Kenya, Kuwait, Malaysia, Mali, Morocco, Mauritania, Nepal, Niger, Nigeria, Pakistan, the Philippines, Qatar, Syria, Singapore, Somalia, Sudan, Sri Lanka, Tanzania, Tunisia, Chad, Thailand, Togo and Zaire, the band 19.7—21.2 GHz is also allocated to the fixed and mobile services on a primary basis. This additional use shall not impose any limitation on the power flux-density of space stations in the fixed-satellite service.

874 In making assignments to stations of other services, administrations are urged to take all practicable steps to protect the spectral line observations of the radio astronomy service in the band 22.01—22.21 GHz from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see also Nos. 343 and 344 and Article 36).

875 In making assignments to stations of other services, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference in the band 22.21—22.5 GHz. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see also Nos. 343 and 344 and Article 36).

876 The use of the band 22.21—22.5 GHz by the earth exploration-satellite (passive) and space research (passive) services shall not impose constraints upon the fixed and mobile, except aeronautical mobile services.

877 In Regions 2 and 3, the broadcasting-satellite service is authorized in the band 22.5—23.0 GHz, subject to agreement obtained under the procedure set forth in Article 14.

878 *Additional allocation:* In Japan, the band 22.5—23 GHz is also allocated to the broadcasting service on a primary basis.

879 In making assignments to stations of other services, administrations are urged to take all practicable steps to protect the spectral line observations of the radio astronomy service in the bands 22.81—22.86 GHz and 23.07—23.12 GHz from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

880 All emissions in the band 23.6—24 GHz are prohibited.

881 The band 24—24.25 GHz (centre frequency 24.125 GHz) is designated for industrial, scientific and medical (ISM) applications. Radiocommunication services operating within this band must accept harmful interference which may be caused by these applications. ISM equipment operating in this band is subject to the provisions of No. 1815.

882 The band 29.95—30 GHz may be used for space-to-space links in the earth exploration-satellite service for telemetry, tracking, and control purposes, on a secondary basis.

883 *Additional allocation:* In Afghanistan, Saudi Arabia, Bahrain, Cameroon, China, the Republic of Korea, the United Arab Emirates, Ethiopia, India, Indonesia, Iran, Iraq, Israel, Japan, Kenya, Kuwait, Lebanon, Malaysia, Mali, Morocco, Mauritania, Nepal, Pakistan, Qatar, Syria, Singapore, Somalia, Sudan, Sri Lanka, Chad and Thailand, the band 29.5—31 GHz is also allocated to the fixed and mobile services on a secondary basis. The power limits specified in Nos. 2505 and 2508 shall apply.

884 In the band 31—31.3 GHz the power flux-density limits specified in No. 2542 shall apply to the space research service.

885 *Different category of service:* In Bulgaria, Cuba, Hungary, Mongolia, Poland, the German Democratic Republic, Czechoslovakia and the U.S.S.R., the allocation of the band 31—31.3 GHz to the space research service is on a primary basis (see No. 425).

886 In making assignments to stations of other services, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference in the band 31.2—31.3 GHz. Emissions from space or airborne stations can be particularly serious sources of interference

to the radio astronomy service (see Nos. 343 and 344 and Article 36).

887 All emissions in the band 31.3—31.5 GHz are prohibited.

888 In Regions 1 and 3, in making assignments to stations of other services to which the band 31.5—31.8 GHz is allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

In Region 2, all emissions in the band 31.5 -31.8 GHz are prohibited.

889 *Different category of service:* In Bulgaria, Egypt, Hungary, Mongolia, Poland, the German Democratic Republic, Roumania, Czechoslovakia and the U.S.S.R., the allocation of the band 31.5—31.8 GHz to the fixed and mobile, except aeronautical mobile, services is on a primary basis (see No. 425).

890 *Different category of service:* In Australia, Spain and the United States, the allocation of the band 31.8—32.3 GHz to the space research (deep space) service in the space-to-Earth direction is on a primary basis (see No. 425). This use shall not impose power flux density constraints on the inter-satellite service in the band 32—32.3 GHz.

891 *Different category of service:* In Bulgaria, Cuba, Hungary, Mongolia, Poland, the German Democratic Republic, Czechoslovakia and the U.S.S.R., the allocation of the band 31.8—32.3 GHz to the space research service is on a primary basis (see No. 425).

892 Subject to agreement obtained under the procedure set forth in Article 14, the band 31.8—33.8 GHz may also be used in Japan for space-to-Earth transmissions in the fixed-satellite service up to 31 December 1990.

893 In designing systems for the inter-satellite and radionavigation services in the band 32—33 GHz, administrations shall take all necessary measures to prevent harmful interference between these two services, bearing in mind the safety aspects of the radionavigation service (see Recommendation 707).

894 *Additional allocation:* In Afghanistan, Saudi Arabia, Bahrain, Bangladesh, Egypt, the United Arab Emirates, Spain, Finland, Gabon, Guinea, Indonesia, Iran, Iraq, Israel, Kenya, Kuwait, Lebanon, Libya, Malaysia, Malawi, Mali, Malta, Morocco, Mauritania, Nepal, Niger, Nigeria, Oman, Pakistan, the Philippines, Qatar, Syria, Senegal, Singapore, Somalia, Sudan, Sri Lanka, Sweden, Tanzania, Thailand, Togo, Tunisia, Yemen A.R. and Zaire, the band 33.4—36 GHz is also allocated to the fixed and mobile services on a primary basis.

895 *Different category of service:* In Au tralia, Spain and the United States, the allo cation of the band 34.2—34.7 GHz to th space research (deep space) (Earth-to-space service is on a primary basis (see No. 425).

896 *Different category of service:* In Bu garia, Cuba, Hungary, Poland, Mongoli the German Democratic Republic, Czecho slovakia and the U.S.S.R., the allocation o the band 34.2—35.2 GHz to the space re search service is on a primary basis (see No 425).

897 Radars located on spacecraft may b operated on a primary basis in the ban 35.5—35.6 GHz.

898 In making assignments to stations o other services, administrations are urged t take all practicable steps to protect th spectral line observations of 36.43—36. GHz from harmful interference. Emissio from space or airborne stations can be pa ticularly serious sources of interference t the radio astronomy service (see Nos. 34 and 344 and Article 36).

899 Subject to agreement obtained unde the procedure set forth in Article 14, th band 37—39 GHz may also be used in Japa for Earth-to-space transmissions in th fixed-satellite service up to 31 Decembe 1990.

900 In making assignments to stations o other services to which the band 42.5—43. GHz is allocated, administrations are urge to take all practicable steps to protect th radio astronomy service from harmful inter ference, especially in the bands 42.77—42 GHz, 43.07—43.17 GHz, and 43.37—43.4 GHz, which are used for spectral line obse vations of silicon monoxide. Emissions from space or airborne stations can be particula ly serious souces of interference to the radi astronomy service (see Nos. 343 and 344 an Article 36).

901 The allocation of the spectrum fo the fixed-satellite service in the bands 42.5— 43.5 GHz and 47.2 -50.2 GHz for Earth-to space transmission is greater than that i the band 37.5—39.5 GHz for space-to-Earth transmission in order to accommodat feeder links to broadcasting satellites. Ad ministrations are urged to take all practica ble steps to reserve the band 47.2—49.2 GH for feeder links for the broadcasting-satel lite service operating in the band 40.5—42. GHz.

902 In the bands 43.5—47 GHz, 66—7 GHz, 95—100 GHz, 134—142 GHz, 190—20 GHz and 252—265 GHz, stations in the lan mobile service may be operated subject t not causing harmful interference to th space radiocommunication services to which these bands are allocated (see No. 435).

903 In the bands 43.5—47 GHz, 66—7 GHz, 95—100 GHz, 134—142 GHz, 190—20 GHz and 252—265 GHz, satellite links con necting land stations at specified fixe

points are also authorized when used in conjunction with the mobile-satellite service or the radionavigation-satellite service.

904 The bands 48.94—49.04 GHz and 97.88—98.08 GHz are also allocated to the radio astronomy service on a primary basis for spectral line observations. In making assignments to stations of other services to which these bands are allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

905 In the band 48.94—49.04 GHz, all emissions from airborne stations are prohibited.

906 In the bands 51.4—54.25 GHz, 58.2—59 GHz, 64—65 GHz and 72.77—72.91 GHz, radio astronomy observations may be carried out under national arrangements. Administrations are urged to take all practicable steps to protect radio astronomy observations in these bands from harmful interference.

907 In the bands 51.4—54.25 GHz, 58.2—59 GHz, 64—65 GHz, 86—92 GHz, 105—116 GHz and 217—231 GHz, all emissions are prohibited.

908 *Additional allocation:* In the Federal Republic of Germany, Japan and the United Kingdom, the band 54.25—58.2 GHz is also allocated to the radiolocation service on a primary basis.

909 In the bands 54.25—58.2 GHz 59—64 GHz, 116—134 GHz, 170—182 GHz and 185—190 GHz, stations in the aeronautical mobile service may be operated subject to not causing harmful interference to the inter-satellite service (see No. 435).

910 In the bands 59—64 GHz and 126—134 GHz, airborne radars in the radiolocation service may be operated subject to not causing harmful interference to the inter-satellite service (see No. 435).

911 The band 61—61.5 GHz (centre frequency 61.25 GHz) is designated for industrial, scientific and medical (ISM) applications. The use of this frequency band for ISM applications shall be subject to special authorization by the administrations concerned in agreement with other administrations whose radiocommunication services might be affected. In applying this provision administrations shall have due regard to the latest CCIR Recommendations.

912 In the band 78—79 GHz, radars located on space stations may be operated on a primary basis in the earth exploration-satellite service and in the space research service.

913 In the band 84—86 GHz, stations in the fixed, mobile and broadcasting services shall not cause harmful interference to broadcasting-satellite stations operating in accordance with the decisions of the appropriate frequency assignment planning conference for the broadcasting-satellite service.

914 The band 93.07—93.27 GHz is also used by the radio astronomy service for spectral line observations. In making assignments to stations of the services to which this band is allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

915 The band 119.98—120.02 GHz is also allocated to the amateur service on a secondary basis.

916 The band 122—123 GHz (centre frequency 122.5 GHz) is designated for industrial, scientific and medical (ISM) applications. The use of this frequency band for ISM applications shall be subject to special authorization by the administration concerned in agreement with other administrations whose radiocommunication services might be affected. In applying this provision administrations shall have due regard to the latest CCIR Recommendations.

917 In the bands 140.69—140.98 GHz all emissions from airborne stations, and from space stations in the space-to-Earth direction, are prohibited.

918 The band 140.69—140.98 GHz, 144.68—144.98 GHz, 145.45—145.75 GHz and 146.82—147.12 GHz are also allocated to the radio astronomy service on a primary basis for spectral line observations. In making assignments to stations of other services to which the bands are allocated, administrations are urged to take all practicable steps to protect the radio astronomy service (see Nos. 343 and 344 and Article 36).

919 The bands 150—151 GHz, 174.42—175.02 GHz, 177—177.4 GHz, 178.2—178.6 GHz, 181—181.46 GHz and 186.2—186.6 GHz are also allocated to the radio astronomy service on a secondary basis for spectral line observation. In making assignments to stations of other services to which these bands are allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

920 *Additional allocation:* In the United Kingdom the band 182—185 GHz is also allocated to the fixed and mobile services on a primary basis.

921 In the band 182—185 GHz all emissions are prohibited except those under the provisions of No. 920.

922 The band 244—246 GHz (centre frequency 245 GHz) is designated for industrial, scientific and medical (ISM) applications. The use of this frequency band for ISM applications shall be subject to special authorization by the administration concerned in agreement with other administrations whose radiocommunication services might be affected. In applying this provision administrations shall have due regard to the latest CCIR Recommendations.

923 The bands 250—251 GHz and 262.24—262.76 GHz are also allocated to the radio astronomy service on a primary basis for spectral line observations. In making assignments to stations of other services spectral line observations. In making assignments to stations of other services to which the band is allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343, 344 and Article 36).

924 The band 257.5—258 GHz is also allocated to the radio astronomy service on a secondary basis for spectral line observations. In making assignments to stations of other services to which the band is allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343, 344 and Article 36).

925 In the Federal Republic of Germany, Agentina, Spain, France, Finland, India, Italy, the Netherlands and Sweden, the band 261—265 GHz is also allocated to the radio astronomy service on a primary basis. In making assignments to stations of other services to which the band is allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

926 In making assignments to stations of other services to which the band 265—275 GHz is allocated, administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference, especially in the bands 265.64—266.16 GHz, 267.34—267.86 GHz and 271.74—272.26 GHz, which are used for spectral line observations. Emissions from space or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343, 344 and Article 36).

927 The frequency band 275 GHz—400 GHz may be used by administrations for experimentation with, and development of, various active and passive services. In this band a need has been identified for the following spectral line measurements for passive services:

(a) Radio astronomy service: 278—280 GHz and 343—348 GHz.

(b) Space research service (passive) and earth exploration-satellite service (passive): 275—277 GHz, 300—302 GHz, 324—326 GHz, 345—347 GHz, 363—365 GHz and 379—381 GHz.

Future research in this largely unexplored spectral region may yield additional spectral lines and continuum bands of interest to the passive services. Administrations are urged to take all practicable steps to protect these passive services from harmful interference until the next competent world administrative radio conference.

UNITED STATES (US) FOOTNOTES

(These footnotes, each consisting of the letters US followed by one or more digits, denote stipulations applicable to both Government and non-Government stations.)

US7—In the band 420-450 MHz and within the following areas, the peak envelope power output of a transmitter employed in the amateur service shall not exceed 50 watts, unless expressly authorized by the Commission after mutual agreement, on a case-by-case basis, between the Federal Communications Commission Engineer in Charge at the applicable district office and the military area frequency coordinator at the applicable military base. For areas (e) thru (j), the appropriate military coordinator is located at Peterson AFB, CO.

(a) Those portions of Texas and New Mexico bounded on the south by latitude 31°45′ North, on the east by 104°00′ West, on the north by latitude 34°30′ North, and on the west by longitude 107°30′ West;

(b) The entire State of Florida including the Key West area and the areas enclosed within a 200-mile radius of Patrick Air Force Base, Florida (latitude 28°21′ North, longitude 80°43′ West), and within a 200-mile radius of Eglin Air Force Base, Florida (latitude 30°30′ North, longitude 86°30′ West);

(c) The entire State of Arizona;

(d) Those portions of California and Nevada south of latitude 37°10′ North, and the areas enclosed within a 200 mile radius of the Pacific Missile Test Center, Point Mugu, California (latitude 34°09′ North, longitude 119°11′ West);

(e) In the State of Massachusetts within a 160-kilometer (100 mile) radius around locations at Otis Air Force Base, Massachusetts (latitude 41°45′ North, longitude 70°32′ West);

(f) In the State of California within a 240-kilometer (150 mile) radius around locations at Beale Air Force Base, California (latitude 39°08′ North, longitude 121°26′ West);

(g) In the State of Alaska within a 160 kilometer (100 mile) radius of Clear, Alaska (latitude 64 degrees, 17′ north, longitude 149 degrees 10′ west).

(h) In the State of North Dakota within a 160 kilometer (100 mile) radius of Concrete, North Dakota (latitude 48 degrees 43′ north, longitude 97 degrees 54′ west).

(i) In the States of Alabama, Florida, Georgia and South Carolina within a 200 kilometer (124 mile) radius of Warner Robins Air Force Base, Georgia (latitude 32°38′ North, longitude 83°35′ West).

(j) In the State of Texas within a 200 kilometer (124 mile) radius of Goodfellow Air Force Base, Texas (latitude 31°25′ North, longitude 100°24′ West).

US8 The use of the frequencies 170.475, 171.425, 171.575, and 172.275 MHz east of the Mississippi River, and 170.425, 170.575, 171.475, 172.225 and 172.375 MHz west of the Mississippi River may be authorized to fixed, land and mobile stations operated by non-Federal forest firefighting agencies. In addition, land stations and mobile stations operated by non-Federal conservation agencies, for mobile relay operation only, may be authorized to use the frequency 172.275 MHz east of the Mississippi River and the frequency 171.475 MHz west of the Mississippi River. The use of any of the foregoing nine frequencies shall be on the condition that no harmful interference will be caused to Government stations.

US10 The use of the frequencies 26.62, 143.90 and 148.15 MHz may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations.

US11 The use of the frequencies 166.250 and 170.150 MHz may be authorized to non-Government remote pickup broadcast base and land mobile stations and to non-Government base, fixed and land mobile stations in the public safety radio services (the sum of the bandwidth of emission and tolerance is not to exceed 25 kHz, except that authorizations in existence as of December 20, 1974, using a larger bandwidth are permitted to continue in operation until December 20, 1979) in the continental United States (excluding Alaska) only, except within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30′ N., and on the east and south by that arc of the circle with center at Springfield, Illinois, and radius equal to the airline distance between Springfield, Illinois, and Montgomery, Alabama, subtended between the foregoing west and north boundaries, on the condition that harmful interference will not be caused to Government stations persent or future in the Government band 162-174 MHz. The use of these frequencies by remote pickup broadcast stations will not be authorized for locations within 150 miles of New York City; and use of these frequencies by the public safety radio services will not be authorized except for locations within 150 miles of New York City.

US13 For the specific purpose of transmitting hydrological and meteorological data in co-operation with agencies of the Federal Government, the following frequencies may be authorized to non-Government fixed stations on the condition that harmful interference will not be caused to Government stations.

MHz

169.425
169.450
169.475
169.500
169.525
170.225
170.250
170.275
170.300
170.325
171.025
171.050
171.075
171.100
171.125
171.825
171.850
171.875
171.900
171.925
406.125
406.175
409.675
409.725
412.625
412.675
412.725
412.775

Licensees holding a valid authorization on June 11, 1962, to operate on the frequencies 169.575, 170.375 or 171.975 MHz may continue to be authorized for such operations on the condition that harmful interference will not be caused to Government stations.

US14 When 500 kHz is being used for distress purposes, ship and coast stations using morse telegraph may use 512 kHz for calling.

US18 Navigation aids in the US and possessions in the bands 9-14 kHz, 90-110 kHz, 190-415 kHz, 510-535 kHz, 2700-2900 MHz are normally operated by the U.S. Government. However, authorizations may be made by the FCC for non-Government operation in these bands subject to the conclusion of appropriate arrangements between the FCC and the Government agencies concerned and upon special showing of need for service which the Government is not yet prepared to render.

US25 The use of frequencies in the band 25.85-26.1 MHz may be authorized in any area to non-Government remote pickup broadcast base and mobile stations on the condition that harmful interference is not caused to stations in the broadcasting service.

US26 The bands 117.975-121.4125 MHz, 123.5875-128.8125 MHz and 132.0125-136.0 MHz are for air traffic control communications.

US28 The band 121.5875-121.9375 MHz is for use by aeronautical utility land and mobile stations, and for air traffic control communications.

US30 The band 121.9375-123.0875 MHz is available to FAA aircraft for communications pursuant to flight inspection functions in accordance with the Federal Aviation Act of 1958.

US31 Except as provided below the band 121.9375-123.0875 MHz is for use by private aircraft stations.

The frequencies 122.700, 122.725, 122.750, 122.800, 122.950, 122.975, 123.000, 123.050 and 123.075 MHz may be assigned to aeronautical advisory stations. In addition, at landing areas having a part-time or no airdrome control tower or FAA flight service station, these frequencies may be assigned on a secondary non-interference basis to aeronautical utility mobile stations, and may be used by FAA ground vehicles for safety related communications during inspections conducted at such landing areas.

The frequencies 122.850, 122.900 and 122.925 MHz may be assigned to aeronautical multicom stations. In addition, 122.850 MHz may be assigned on a secondary noninterference basis to aeronautical utility mobile stations. In case of 122.925 MHz, US213 applies.

Air carrier aircraft stations may use 122.000 and 122.050 MHz for communication with aeronautical stations of the Federal Aviation Administration and 122.700, 122.800, 122.900 and 123.000 MHz for communications with aeronautical stations pertaining to safety of flight with and in the vicinity of landing areas not served by a control tower.

Frequencies in the band 121.9375-122.6875 MHz may be used by aeronautical stations of the Federal Aviation Administration for communication with private aircraft stations only, except that 122.000 and 122.050 MHz may also be used for communication with air carrier aircraft stations concerning weather information.

US32 Except for the frequencies 123.3 and 123.5 MHz, which are not authorized for Government use, the band 123.1125-123.5875 MHz is available for FAA communications incident to flight test and inspection activities pertinent to aircraft and facility certification on a secondary noninterference basis.

US33 The band 123.1125-123.5875 MHz is for use by flight test and aviation instructional stations. The frequency 121.950 MHz is available for aviation instructional stations.

US41 The Government radiolocation service is permitted in the band 2450-2500 MHz on condition that harmful interference is not caused to non-Government services.

US44 The non-Government radiolocation service may be authorized in the band 2900-3100 MHz on the condition that no harmful interference is caused to Government services.

US48 The non-Government radiolocation service may be authorized in the bands 5350-5460 MHz and 9000-9200 MHz on the condition that it does not cause harmful interference to the aeronautical radionavigation service or to the Government radiolocation service.

US49 The non-Government radiolocation service may be authorized in the band 5460-5470 MHz on the condition that it does not cause harmful interference to the aeronautical or maritime radionavigation services or to the Government radiolocation service.

US50 The non-Government radiolocation service may be authorized in the band 5470-5600 MHz on the condition that it does not cause harmful interference to the maritime radionavigation service or to the Government radiolocation service.

US51 In the band 5600-5650 MHz and 9300-9500 MHz, the non-Government radiolocation service shall not cause harmful interference to the Government radiolocation service.

US53 In view of the fact that the band 13.25-13.4 GHz is allocated to doppler navigation aids, Government, and non-Government airborne doppler radars in the aeronautical radionavigation service are permitted in the band 8750-8850 MHz only on the condition that they must accept any interference that may be experienced from stations in the radiolocation service in the band 8500-10000 MHz.

US54 Temporarily, and until certain operations of the radiolocation service in the band 9000-9200 MHz can be transferred to other appropriate frequency bands, the aeronautical radionavigation service may, in certain geographical areas, be subject to receiving some degree of interference from the radiolocation service.

US58 In the band 10000-10500 MHz, pulsed emissions are prohibited, except for weather radars on board meteorological satellites in the band 10000-10025 MHz. The amateur service and the non-Government radiolocation service, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The non-Government radiolocation service is limited to survey operations as specified in footnote US108.

US59 The band 10.5-10.55 GHz is restricted to systems using type NON (AO) emission with a power not to exceed 40 watts into the antenna.

US65 The use of the band 5460-5650 MHz by the maritime radionavigation service is limited to shipborne radars.

US66 The use of the band 9300-9500 MHz by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons. In addition, ground-based radar beacons in the aeronautical radionavigation service are permitted in the band 9300-9320 MHz on the condition that harmful interference is not caused to the maritime radionavigation service.

US67 The use of the band 9300-9500 MHz by the meteorological aids service is limited to ground-based radars. Radiolocation installations will be coordinated with the meteorological aids service and, insofar as practicable, will be adjusted to meet the requirements of the meteorological aids service.

US69 In the band 31.8-33.4 GHz, ground-based radionavigation aids are not permitted except where they operate in cooperation with airborne or shipborne radionavigation devices.

US70 The meteorological aids service allocation in the band 400.15-406.0 MHz does not preclude the operation therein of associated ground transmitters.

US71 In the band 9300-9320 MHz, low-powered maritime radionavigation stations shall be protected from harmful interference caused by the operation of land-based equipment.

US74 In the bands 25.55-25.67, 73.0-74.6, 406.1-410.0, 608-614, 1400-1427, 1660.5-1670.0, 2690-2700 and 4990-5000 MHz and in the bands 10.68-10.7, 15.35-15.4, 23.6-24.0, 31.3-31.5, 86-92, 105-116 and 217-231 GHz, the radio astronomy service shall be protected from extraband radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates.

US77 Government stations may also be authorized:

(a) Port operations use on a simplex basis by coast and ship stations of the frequencies 156.6 and 156.7 MHz;

(b) Duplex port operations use of the frequency 157.0 MHz for ship stations and 161.6 MHz for coast stations;

(c) Inter-ship use of 156.3 MHz on a simplex basis; and

(d) Vessel traffic services under the control of the U.S. Coast Guard on a simplex basis by coast and ship stations on the frequencies 156.25, 156.55, 156.6 and 156.7 MHz.

(e) Navigational bridge-to-bridge and navigational communications on a simplex basis by coast and ship stations on the frequencies 156.375 and 156.65 MHz.

US78 The frequencies between 1435 and 1535 MHz will be assigned for aeronautical telemetry and associated telecommand operations for flight testing of manned or unmanned aircraft and missiles, or their major components. Permissible usage includes telemetry associated with launching and reentry into the earth's atmosphere as well as any incidental orbiting prior to reentry of manned objects undergoing flight tests. The following frequencies are shared with flight telemetering mobile stations: 1444.5, 1453.5, 1501.5, 1515.5, 1524.5 and 1525.5 MHz. In the band 1530-1535 MHz, the Maritime Mobile-Satellite Service will be the only primary service after January 1, 1990.

US80 Government stations may use the frequency 122.9 MHz subject to the following conditions:

(a) All operations by Government stations shall be restricted to the purpose for which the frequency is authorized to non-Government stations, and shall be in accordance with the appropriate provisions of the Commission's Rules and Regulations, Part 87, Aviation Services;

(b) Use of the frequency is required for coordination of activities with Commission licensees operating on this frequency; and

(c) Government stations will not be authorized for operation at fixed locations.

US81 The band 38.0—38.25 MHz is used by both Government and non-Government radio astronomy observatories. No new fixed or mobile assignments are to be made and Government stations in the band 38.0—38.25 MHz will be moved to other bands on a case-by-case basis, as required, to protect radio astronomy observations from harmful interference. As an exception, however, low powered military transportable and mobile stations used for tactical and training purposes will continue to use the band. To the extent practicable, the latter operations will be adjusted to relieve such interference as may be caused to radio astronomy observations. In the event of harmful interference from such local operations, radio astronomy observatories may contact local military commands directly, with a view to effecting relief. A list of military commands, areas of coordination, and points of contact for purposes of relieving interference may be obtained upon request from the Office of the Chief Engineer, Federal Communications Commission, Washington, D.C. 20554.

US82 Until July 1, 1991, the assignable frequencies in the bands 4143.6-4146.6 kHz, 6218.6-6224.6 kHz, 8291.1-8297.3 kHz, 12429.2-12439.5 kHz, 16587.1-16596.4 kHz and 22124-22139.5 kHz may be authorized on a shared nonpriority basis to Government and non-Government ship and coast stations (SSB telephony, with peak envelope power not to exceed 1 kW). Effective July 1, 1991, the assignable frequencies in the bands 4146-4152 kHz, 6224-6233 kHz, 8294-8300 kHz, 12353-12368 kHz, 16528-16549 kHz, 18825-18846 kHz, 22159-22180 kHz, and 25100-25121 kHz may be authorized on a shared non-priority basis to Government and non-Government ship and coast stations (SSB telephony, with peak envelope power not to exceed 1 kW).

US87 The frequency 450 MHz, with maximum emission bandwidth of 500 kHz, may be used by Government and non-Government stations for space telecommand at specific locations, subject to such conditions as may be applied on a case-by-case basis.

US90 In the band 2025—2110 MHz earth-to-space and space-to-space transmissions may be authorized in the space research and earth exploration-satellite services subject to such conditions as may be applied on a case-by-case basis. Such transmissions shall not cause harmful interference to non-Government stations operating in accordance with the Table of Frequency Allocations. All space-to-space transmissions reaching the earth's surface shall adhere to a power flux density of between −144 and −154 (dbw/(m^2)/4 kHz depending on the angle of arrival per ITU Radio Regulation 2557 and shall not cause harmful interference to the other space services.

US93 In the conterminous United States, the frequency 108.0 MHz may be authorized for use by VOR test facilities, the operation of which is not essential for the safety of life or property, subject to the condition that no interference is caused to the reception of FM broadcasting stations operating in the band 88—108 MHz. In the event that such interference does occur, the licensee or other agency authorized to operate the facility shall discontinue operation on 108 MHz and shall not resume operation until the interference has been eliminated or the complaint otherwise satisfied. VOR test facilities operating on 108 MHz will not be protected against interference caused by FM broadcasting stations operating in the band 88—108 MHz not shall the authorization of a VOR test facility on 108 MHz preclude the Commission from authorizing additional FM broadcasting stations.

US99 In the band 1668.4—1670.0 MHz, the meteorological aids service (radiosonde) will avoid operations to the maximum extent practicable. Whenever it is necessary to operate radiosondes in the band 1668.4—1670 MHz within the United States, notification of the operations shall be sent as far in advance as possible to the Electromagnetic Management Unit, National Science Foundation, Washington, D.C. 20550.

US102 In Alaska only, the frequency 122.1 MHz may also be used for air carrier air traffic control purposes at locations where other frequencies are not available to air carrier aircraft stations for air traffic control.

US104 The LORAN Radionavigation System has priority in band 90—110 kHz in the United States and possessions. Radiolocation land stations making use of LORAN type equipment may be authorized to both Government and non-Government on a secondary service basis for offshore radiolocation activities only at specific locations and subject to such technical and operational conditions (e.g., power, emission, pulse rate and phase code, hours of operation), including on-the-air testing, as may be required on a case-by-case basis to ensure protection of the LORAN radionavigation system from harmful interference and to ensure mutual compability among radiolocation operators. Such authorizations to stations in the radiolocation service are further subject to showing of need for service which is not currently provided and which the Government is not yet prepared to render by way of the radionavigation service.

US106 The frequency 156.75 MHz is available for assignment to non-Government and Government stations for environmental communications in accordance with an agreed plan.

US107 The frequency 156.8 MHz is the national distress, safety and calling frequency for the maritime mobile VHF radiotelephone service for use by Government and non-Government ship and coast stations. Guard bands of 156.7625—156.7875 and 156.8125—156.8375 MHz are maintained.

US108 Within the bands 3300—3500 MHz and 10000—10500 MHz, survey operations, using transmitters with a peak power not to exceed five watts into the antenna, may be authorized for Government and non-Government use on a secondary basis to other Government radiolocation operations.

US110 In the frequency bands 3100—3300 MHz, 3500—3700 MHz, 5250—5350 MHz, 8500—9000 MHz, 9200—9300 MHz, 9500—10000 MHz, 13.4—14.0 GHz, 15.7—17.3 GHz, 24.05—24.25 GHz and 33.4—36.0 GHz, the non-Government radiolocation service shall be secondary to the Government radioactive service and to airborne doppler radars at 8800 MHz, and shall provide protection to airport surface detection equipment (ASDE) operating between 15.7—16.2 GHz.

US111 In the band 1990—2120 MHz, Government space research earth stations may be authorized to use specific frequencies at specific locations for earth-to-space transmissions. Such authorizations shall be secondary to non-Government use of this band and subject to such other conditions as may be applied on a case-by-case basis.

Corpus Christi, Tex., 27°39′N., 097°23′W.
Fairbanks, Alaska, 64°59′N., 147°53′W.
Goldstone, Calif., 35°18′N., 116°54′W.
Greenbelt, Md., 39°00′N., 076°50′W.
Guam, Mariana Is., 13°19′N., 144°44′E.
Kauai, Hawaii, 22°08′N., 159°40′W.
Merritt Is., Fla., 28°29′N., 080°35′W.
Rosman, N.C., 35°12′N., 082°52′W.
Wallops Is., Va., 37°57′N., 075°20′W.

US112 The frequency 123.1 MHz is for search and rescue communications. This frequency may be assigned for air traffic control communications at special aeronautical events on the condition that no harmful interference is caused to search and rescue communications during any period of search and rescue operations in the licale involved.

US116 In the bands 890-902 MHz and 935-941 MHz, no new assignments are to be made to Government radio stations after July 10, 1970 except on case-by-case basis, to experimental stations and to additional stations of existing networks in Alaska. Government assignments existing prior to July 10 1970 to stations in Alaska may be continued. All other existing Government assignments shall be on a secondary basis to stations in the non-Government land mobile service and shall be subject to adjustment or removal from the bands 890-902 MHz, 928-932 MHz and 935-941 MHz at the request of the FCC.

US117 In the band 406.1-410 MHz, all new authorizations will be limited to a maximum 7 watts per kHz of necessary bandwidth; existing authorizations as of November 30, 1970 exceeding this power are permitted to continue in use.

New authorizations in this band stations, other than mobile stations, within the following areas are subject to prior coordination by the applicant through the Electromagnetic Spectrum Management Unit, National Science Foundation, Washington, D.C. 20550, (202-357-9696):

Arecibo Observatory:

Rectangle between latitudes 17°30′N. and 19°00′N. and between longitudes 65°10′ W. and 68°00′W.

Owens Valley Radio Observatory:

Two contiguous rectangles, one between latitudes 36°N. and 37°N. and longitudes 117°40′W. and 118°30′W. and the second between latitudes 37°N. and 38°N. and longitudes 118°W. and 118°50′W.

Sagamore Hill Radio Observatory:

Rectangle between latitudes 42°10′N. and 43°00′N. and longitudes 70°31′W. and 71°31′W.

Table Mountain Solar Observatory (NOAA), Boulder, Colorado (407-409 MHz only):

Rectangle between latitudes 39°30′N. and 40°30′N. and longitudes 104°30′W. and 106°00′W. or the Continental Divide whichever is farther east.

The non-Government use of this band is limited to the radio astronomy service and as provided by footnote US13.

US201 In the band 460-470 MHz, space stations in the earth exploration-satellite service may be authorized for space-to-earth transmissions on a secondary basis with respect to the fixed and mobile services. When operating in the meteorological-satellite service, such stations shall be protected from harmful interference from other applications of the earth exploration-satellite service. The power flux produced at the earth's surface by any space station in this band shall not exceed -152 dBW/m^2/4 kHz.

US203 Radio astronomy observations of the formaldehyde line frequencies 4825-4835 MHz and 14.470-14.500 GHz may be made at certain radio astronomy observatories as indicated below:

BANDS TO BE OBSERVED

4 GHz	14 GHz	Observatory
X		National Astronomy and Ionosphere Center, Arecibo, Puerto Rico.
X	X	National Radio Astronomy Observatory, Green Bank, W. Va.
X	X	National Radio Astronomy Observatory, Socorro, New Mexico.
X	X	Hat Creek Observatory (U of Calif.), Hat Creek, Cal.
X	X	Haystack Radio Observatory (MIT-Lincoln Lab), Tyngsboro, Mass.
X	X	Owens Vally Radio Observatory (Cal. Tech.), Big Pine, Cal.
	X	Five College Radio Astronomy Observatory Quabbin Reservoir (near Amherst), Massachusetts.

Every practicable effort will be made to avoid the assignment of frequencies to stations in the fixed or mobile services in these bands. Should such assignments result in harmful interference to these observations, the situation will be remedied to the extent practicable.

US205 Tropospheric scatter systems are prohibited in the band 2500-2690 MHz.

US208 Planning and use of the band 1559-1626.5 MHz necessitate the development of technical and/or operational sharing criteria to ensure the maximum degree of electromagnetic compatibility with existing and planned systems within the band.

US209 The use of frequencies 460.6625, 460.6875, 460.7125, 460.7375, 460.7625, 460.7875, 460.8125, 460.8375, 460.8625, 465.6625, 465.6875, 465.7125, 465.7375, 465.7625, 465.7875, 465.8125, 465.8375, and 465.8625 MHz may be authorized, with 100 mW or less output power, to Government and non-Government radio stations for one-way, non-voice bio-medical telemetry operations in hospitals, or medical or convalescent centers.

US210 Use of frequencies in the bands 40.66-40.70 and 216-220 MHz may be authorized to Government and non-Government stations on a secondary basis for the tracking of, and telemetering of scientific data from, ocean buoys and wildlife. Airborne wildlife telemetry in the 216-220 MHz band will be limited to the 216.0-216.1 MHz portion of the band. Operation in these two bands is subject to the technical standards specified in: (a) Section 8.2.42 of the NTIA Manual for Government use, or (b) Section 5.108 of the Commission's Rules for non-Government use.

US211 In the bands 1670-1690, 5000-5250 MHz and 10.7-11.7, 15.1365-15.35, 15.4-15.7, 22.5-22.55, 24-24.05, 31.0-31.3, 31.8-32.0, 40.5-42.5, 84-86, 102-105, 116-126, 151-164, 176.5-182, 185-190, 231-235, 252-265 GHz, applicants for airborne or space station assignments are urged to take all practicable steps to protect radio astronomy observations in the adjacent lands from harmful interference; however, US74 applies.

US212 In the State of Alaska, the carrier frequency 5167.5 kHz (assigned frequency 5168.9 kHz) is designated for emergency communications. This frequency may also be used in the Alaska-Private Fixed Service for calling and listening, but only for establishing communications before switching to another frequency. The maximum power is limited to 150 watts peak envelope power (PEP).

US213 The frequency 122.925 MHz is for use only for communications with or between aircraft when coordinating natural resources programs of Federal or State natural resources, agencies, including forestry management and fire suppression, fish and game management and protection and environmental monitoring and protection.

US214 The frequency 157.1 MHz is the primary frequency for liaison communications between ship stations and stations of the United States Coast Guard.

US215 Emissions from microwave ovens manufactured on and after January 1, 1980, for operation on the frequency 915 MHz must be confined within the band 902-928 MHz. Emissions from microwave ovens manufactured prior to January 1, 1980, for operation on the frequency 915 MHz must be confined within the band 902-940 MHz. Radiocommunications services operating in the band 928-940 MHz must accept any harmful interference from the operation of microwave ovens manufactured before January 1, 1980.

US216 The frequencies 150.775 and 150,790, and the bands 152-152.0150, 163.2375-163.2625, 462.9375-463.1875 and 467.9375-468.1875 MHz are authorized for Governmelt/non-Governmelt operations in medical radio commulications systems.

US217 Pulse-ranging radimlocation systems may be authorized for Governmelt and non-Government use in the 420-450 MHz band along the shorelines of Alaska and the contiguous 48 states. Spread spectrum radiolocation systems may be authorized in the 420-435 MHz portion of the band for operation within the contiguous 48 States and Alaska. Authorizations will be eranted on a case-by-case basis; howeter, operations proposed to be located within the zones set forth in US228 should not expect tm be accommodated. All stations operating in accordance with this provision will be secondary to stations operating in accordance with the Table of Frequency Allocations.

US218 The bans segments 902-912 MHz and 918-923 MHz are available for Automatic Vehicle Monitoring (AVM) Systems subject to not causing harmful interference to the operation of Government stations authorized in these bands. These systems must tolerate any interference from the operation of industrial, scientific, and medical (ISM) devices and the operation of Government stations authorized in these bands.

US219 In the band 2025-2110 MHz Government Earth resources satellite Earth stations in the Earth exploration-satellite service may be authorized to use the frequency 2106.4 MHz for Earth-to-space transmission for tracking, telemetry, and telecommand at the sites listed below. Such transmissions shall not cause harmful interference to non-Government operations:

Sioux Falls, South Dakota, 43°32'03.1" N., 96°45'42.8" W.
Fairbanks, Alaska, 64°58'36.6" N., 147°30'54.2" W.

US220 The frequencies 36.25 and 41.71 MHz may be authorized to Government stations and non-Government stations in the petroleum radio service, for oil spill containment and cleanup operations. The use of these frequencies for oil spill containment or cleanup operations is limited to the inland and coastal waterway regions.

US221 Use of the mobile service in the bands 525-535 kHz and 1605-1615 kHz is limited to distribution of public service information from travelers information stations operating on 530 or 1610 kHz.

US222 In the band 2025-2035 MHz geostationary operational environmental satellite Earth stations in the space research and Earth exploration-satellite services may be authorized on a coequal basis for Earth-to-space transmissions for tracking, telemetry, and telecommand at the sites listed below:

Wallops Is., Va. 37°50'48" N., 75°27'33" W.
Seattle, Wash. 47°34'15" N., 122°33'10" W.
Honolulu, Hawaii 21°21'12"N., 157°52'36"W.

US223 Within 75 miles of the United States/Canada border on the Great Lakes, the St. Lawrence Seaway, and the Puget Sound and the Strait of Juan de Fuca and its approaches, use of coast transmit frequency 162.025 MHz and ship station transmit frequency 157.425 MHz (VHF maritime mobile service Channel 88) may be authorized for use by the maritime service for public correspondence.

US224 Government systems utilizing spread spectrum techniques for terrestrial communication, navigation and identification may be authorized to operate in the band 960-1215 MHz on the condition that harmful interference will not be caused to the aeronautical radionavigation service. These systems will be handled on a case-by-case basis. Such systems shall be subject to a review at the national level for operational requirements and electromagnetic compatibility prior to development, procurement or modification.

US225 In addition to its present Government use, the frequency band 510-525 kHz is available to Government and non-Government aeronautical radionavigation stations inland of the Territorial Base Line as coordinated with the military services. In addition, the frequency 510 kHz is available for non-Government ship-helicopter operations when beyond 100 nautical miles from shore and required for aeronautical radionavigation.

US226 In the State of Hawaii, stations in the aeronautical radionavigation service shall not cause harmful interference to U.S. Navy reception from its station at Honolulu on 198 kHz.

US228 Applicants for operation in the band 420 to 450 MHz under the provisions of US217 should not expect to be accommodated if their area of service is within the following geographic areas:

(a) Those portions of Texas and New Mexico bounded on the south by latitude 31°45' North, on the east by longitude 104°00' West, on the north by latitude 34°30' North, and on the West by longitude 107°30' West.

(b) In the State of Massachusetts within a 160 kilometers (100 miles) radius around the locations of Otis Air Force Base, Massachusetts (latitude 41°45' North, longitude 70°32' West).

(c) In the State of California within a 240 kilometer (150 mile) radius of Beale Air Force Base, California (latitude 39°08' North, longitude 121°26' West).

(d) In the State of Alaska, within a 160 kilometer (100 mile) radius of Clear, Alaska (latitude 64°17' North, longitude 149°10' West).

(e) In the State of North Dakota, within a 160 kilometer (100 mile) radius of Concrete, North Dakota (latitude 48°43' North, longitude 97°54' West).

(f) Those portions of Texas and New Mexico bounded on the south by latitude 31° 45' North, on the east by longitude 104°00' West, on the north by latitude 34°30' North, and on the West by longitude 107°30' West.

(g) In the state of Alaska within a 160 kilometer (100 mile) radius of Clear, Alaska (latitude 64 degrees 17' north, longitude 149 degrees 10' west).

(h) In the state of North Dakota within a 160 kilometer (100 mile) radius of Concrete, North Dakota (latitude 48 degrees 43' north, longitude 97 degrees 54' west).

(i) In the States of Alabama, Florida, Georgia and South Carolina within a 200 kilometer (124 mile) radius of Warner Robins Air Force Base, Georgia (latitude 32°38' North, longitude 83°35' West).

(j) In the State of Texas within a 200 kilometer (124 mile) radius of Goodfellow Air Force Base, Texas (latitude 31°25' North, longitude 100°24' West).

US229 Assignments to stations in the fixed and mobile services may be made on the condition that no harmful interference is caused to the Navy SPASUR system currently operating in the southern United States in the frequency band 216.88-217.08 MHz.

US230 Non-government land mobile service is allocated on a primary basis in the bands 422.1875—425.4875 and 427.1875—429.9875 MHz within 50 statute miles of Detroit, MI, and Cleveland, OH, and in the bands 423.8125—425.4875 and 428.8125—429.9875 MHz within 50 statute miles of Buffalo, NY.

US231 When an assignment cannot be obtained in the bands between 200 and 525 kHz, which are allocated to aeronautical radionavigation, assignments may be made to aeronautical radiobeacons in the maritime mobile band 435-490 kHz, on a secondary basis, subject to the coordination and agreement of those agencies having assignments within the maritime mobile band which may be affected. Assignments to aeronautical radionavigation radiobeacons in the band 435-490 kHz shall not be a bar to any required changes to the maritime mobile radio service and shall be limited to Government not employing voice emissions.

US235 Until implementation procedures and schedules are determined by future conferences of the International Telecommunications Union, the bands 9775-9900 kHz, 11650-11700 kHz, 11975-12050 kHz, 13600-13800 kHz, 15450-15600 kHz, 17550-17700 kHz, and 21750-21850 kHz to be implemented by the broadcasting service are allocated as an alternative allocation to the fixed service. The bands 12230-12330 kHz, 16360-16460 kHz, 17360-17410 kHz, 18780-18900 kHz, 19680-19800 kHz, 22720-22855 kHz, 25110-25210 kHz, and 26100-26175 kHz to be implemented by the maritime mobile service are also allocated as an alternative allocation to the fixed service until July 1, 1991, when these bands are to be allocated exclusively to the maritime mobile service.

US236 Until implementation procedures and schedules are determined by future conferences of the International Telecommunications Union (See Resolution 319), the bands 4000-4063 and 8100-8195 kHz are also allocated on a primary basis to the fixed service.

US237 Until implementation procedures and schedules are determined by a future Regional Conference of the International Telecommunication Union, the band 1615-1625 kHz is also allocated on a primary basis to the radiolocation service.

US238 Until implementation procedures and schedules are determined by a future Regional Conference of the International Telecommunication Union, the band 1625-1705 kHz is allocated to the radiolocation service on a primary basis as a different category of service.

US239 Aeronautical radionavigation stations (radiobeacons) may be authorized, primarily for off-shore use, in the band 525-535 kHz on a non-interference basis to travelers information stations.

US240 The bands 1715-1725 and 1740-1750 kHz are allocated on a primary basis and the bands 1705-1715 kHz and 1725-1740 kHz on a secondary basis to the aeronautical radionavigation service, (radiobeacons).

US243 In the band 220-225 MHz, stations in the radiolocation service have priority until 1 January 1990.

US244 The band 136.000-137.000 MHz is allocated to the non-Government aeronautical mobile (R) service on a primary basis, and is subject to pertinent international treaties and agreements. The frequencies 136.000 MHz, 136.025 MHz, 136.050 MHz, 136.075 MHz, 136.125 MHz, 136.150 MHz, 136.175 MHz, 136.225 MHz, 136.250 MHz, 136.300 MHz, 136.325 MHz, 136.350 MHz, 136.400 MHz, 136.425 MHz and 136.450 MHz are available on a shared basis to the Federal Aviation Administration for air traffic control purposes, such as automatic weather observation services (AWOS), automatic terminal information services (ATIS) and airport control tower communications. Stations licensed prior to January 2, 1990, using the 136-137 MHz band for space operation (space-to-earth), meteorological-satellite service (space-to-earth) and the space research service (space-to-earth) may continue to use this band on a secondary basis to aeronautical mobile (R) service stations. No new assignments will be made to stations in the above space services.

US245 The fixed-satellite service is limited to international inter-continental systems and subject to case-by-case electromagnetic compatibility analysis.

US246 No stations will be authorized to transmit in the bands 608-614 MHz, 1400-1427 MHz, 1660.5-1668.4 MHz, 2690-2700 MHz, 4990-5000 MHz, 10.68-10.70 GHz, 15.35-15.40 GHz, 23.6-24.0 GHz, 31.3-31.8 GHz, 51.4-54.25 GHz, 58.2-59.0 GHz, 64-65 GHz, 86-92 GHz, 100-102 GHz, 105-116 GHz, 164-168 GHz, 182-185 GHz and 217-231 GHz.

US247 The band 10100-10150 kHz is allocated to the fixed service on a primary basis outside the United States and possessions. Transmissions of stations in the amateur service shall not cause harmful interference to this fixed service use and stations in the amateur service shall make all necessary adjustments (including termination of transmission) if harmful interference is caused.

US251 The band 12.75-13.25 GHz is also allocated to the space research, (deep space) (space-to-earth) service for reception only at Goldstone, California. 35°18′ N. 116°54′ – W.

US252 The bands 2110-2120, 7145-7190 MHz, and 34.2-34.7 GHz are also allocated for earth-to-space transmissions in the space research service, limited to deep space communications at Goldstone, California.

US253 In the band 2300-2310 MHz, the fixed and mobile services shall not cause harmful interference to the amateur service.

US254 In the band 18.6-18.8 GHz the fixed and mobile services shall be limited to a maximum equivalent isotropically radiated power of +35 dBW and the power delivered to the antenna shall not exceed −3 dBW.

US255 In the band 18.6-18.8 GHz the fixed satellite service shall be limited to a power flux density at the Earth's surface of −101 dbW/M^2 in a 200 MHz band for all angles of arrival.

US256 Radio astronomy observations may be made in the band 1718.8-1722.2 MHz on an unprotected basis. Agencies providing other services in this band in the geographic areas listed below should bear in mind that their operations may affect those observations, and those agencies are encouraged to minimize potential interference to the observations in so far as it is practicable.

- National Astronomy and Ionosphere Center, Arecibo, Puerto Rico
  - Rectangle between latitudes 17°30′ N. and 19°00′ N. and between longitudes 65°10′ W. and 68°00′ W.
- Haystack Radio Observatory, Tyngsboro, Massachusetts
  - Rectangle between latitudes 41°00′ N. and 43°00′ N. and between longitudes 71°00′ W. and 73°00′ W.
- National Radio Astronomy Observatory, Green Bank, West Virginia
  - Rectangle between latitudes 37°00′ N. and 39°15′ N. and longitudes 78°30′ W. and 80°30′ W.
- National Radio Astronomy Observatory, Socorro, New Mexico
  - Rectangle between latitudes 32°30′ N. and 35°30′ N. and between longitudes 106°30′ W. and 109°00′ W.
- Owens Valley Radio Observatory, Big Pine, California
  - Two contiguous rectangles, one between latitudes 36°00′ N. and 37°00′ N. and between longitudes 117°40′ W. and 118°30′ W. and the second between latitudes 37°00′ N. and 38°00′ N. and longitudes 118°00′W and 118°50′ W.
- Hat Creek Observatory, Hat Creek, California
  - Rectangles between latitudes 40°00′ N. and 42°00′ N. and between longitudes 120°15′ W. and 122°15′ W.

US257 Radio astronomy observations may be made in the 4950-4990 MHz band at certain Radio Astronomy Observatories indicated below:

Hat Creek Observatory, Hat Creek, California
  Rectangle between latitudes 40°00′ N. and 42°00′ N. and between longitudes 120°15′ W. and 122°15′ W.

Owens Valley Radio Observatory, Pine, California
  Two contiguous rectangles, Big one between latitudes 36°00′ N. and 37°00′ N. and longitudes 117°40′ W. and 118°30′ W. and the second between latitudes 37°00′ N. and 38°00′ N. and longitudes 118°00′ W. and 118°50′ W.

Haystack Radio Observatory, Tyngsboro, Massachusetts
  Rectangle between latitudes 41°00′ N. and 43°00′ N. and between longitudes 71°00′ W. and 73°00′ W.

National Astronomy and Ionosphere Center, Arecibo, Puerto Rico
  Rectangle between latitudes 17°30′ N. and 19°00′ N. and between longitudes 65°10′ W. and 68°00′ W.

National Radio Astronomy Observatory, Socorro, New Mexico
  Rectangle between latitudes 32°30′ N. and 35°30′ N. and longitudes 106°00′ W. and 109°00′ W.

National Radio Astronomy Observatory, Green Bank, West Virginia
  Rectangle between latitudes 37°30′ N. and 39°15′ N. and longitudes 78°30′ W. and 80°30′ W.

Every practicable effort will be made to avoid the assignment of frequencies in the band 4950-4990 MHz to stations in the fixed and mobile services within the geographic areas given above. In addition, every practicable effort will be made to avoid the assignment of frequencies in this band to stations in the aeronautical mobile service which operate outside of those geographic areas, but which may cause harmful interference to the listed observatories. Should such assignments result in harmful interference to these observatories, the situation will be remedied to the extent practicable.

US258 In the band 8025-8400 MHz, the non-Government earth exploration-satellite service (space-to-earth) is allocated on a primary basis. Authorizations are subject to a case-by-case electromagnetic compatibility analysis.

US259 Stations in the radiolocation service in the band 17.3-17.7 GHz, shall be restricted to operating powers of less than 51 dBW eirp after feeder link stations for the broadcasting-satellite service are authorized and brought into use.

US260 Aeronautical mobile communications which are an integral part of aeronautical radionavigation systems may be satisfied in the bands 1559-1626.5 MHz, 5000-5250 MHz and 15.4-15.7 GHz.

US261 The use of the band 4200-4400 MHz by the aeronautical radionavigation service is reserved exclusively for airborne radio altimeters. Experimental stations will not be authorized to develop equipment for operational use in this band other than equipment related to altimeter stations. However, passive sensing in the earth-exploration satellite and space research services may be authorized in this band on a secondary basis (no protection is provided from the radio altimeters).

US262 The band 31.8-32.3 GHz is also allocated for space-to-earth transmissions in the space research service, limited to deep space communications at Goldstone, California.

US263 In the frequency bands 21.2-21.4, 22.21-22.5, 36-37, 50.2-50.4, 54.25-58.2, 116-126, 150-151, 174.5-176.5, 200-202 and 235-238 GHz, the space research and earth exploration-satellite services shall not receive protection from the fixed and mobile services operating in accordance with the Table of Frequency Allocations.

US264 In the band 48.94-49.04 GHz, airborne stations shall not be authorized.

US265 In the band 10.6-10.68 GHz, the fixed service shall be limited to a maximum equivalent isotropically radiated power of 40 dBW and the power delivered to the antenna shall not exceed −3dBW per 250 kHz.

US266 Licensees in the public safety radio services holding a valid authorization on June 30, 1958, to operate in the frequency band 156.27-157.47 MHz or on the frequencies 161.85, 161.91 or 161.97 MHz may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, until such time as harmful interference is caused to the operation of any authorized station other than those licensed in the public safety radio service.

US267 In the band 902-928 MHz, amateur radio stations shall not operate within the States of Colorado and Wyoming, bounded by the area of: latitude 39°N. to 42°N. and longitude 103°W. to 108°W.

US268 The bands 890-902 MHz and 928-942 MHz are also allocated to the radiolocation service for Government ship stations (off-shore ocean areas) on the condition that harmful interference is not caused to non-Government land mobile stations. The provisions of footnote US116 apply.

US269 In the band 2500-2690 MHz, applicants for space station assignments are urged to take all practicable steps to protect radio astronomy observations in the adjacent band, 2690-2700 MHz, from harmful interference. Further, all applicants are urged to coordinate their proposed system through the Electromagnetic Management

Unit, National Science Foundation, Washington, D.C. 20550, prior to system development.

US270 The band 72.77-72.91 GHz is also allocated to the radio astronomy service. Applicants for frequency assignments in this band are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

US271 The use of the band 17.3-17.8 GHz by the fixed-satellite service (earth-to-space) is limited to feeder links for broadcasting-satellite service.

US272 The allocation to the maritime mobile-satellite service in the band 1530-1535 MHz shall be effective from 1 January 1990. Up to that date the allocation to the mobile service will be on a primary basis.

US273 In the 74.6-74.8 MHz and 75.2-75.4 MHz bands stations in the fixed and mobile services are limited to a maximum power of 1 watt from the transmitter into the antenna transmission line.

US274 In the 216-220 MHz band fixed, aeronautical mobile and land mobile stations are limited to telemetering and associated telecommand operations.

US275 The band 902-928 MHz is allocated on a secondary basis to the amateur service subject to not causing harmful interference to the operations of Government stations authorized in this band or to Automatic Vehicle Monitoring (AVM) systems. Stations in the amateur service must tolerate any interference from the operations of industrial, scientific and medical (ISM) devices, AVM systems and the operations of Government stations authorized in this band. Further, the Amateur Service is prohibited in those portions of Texas and New Mexico bounded on the south by latitude 31° 41′ North, on the east by longitude 104° 11′ West, on the north by latitude 34° 30′ North, and on the west by longitude 107° 30′ West; in addition, outside this area but within 150 miles of these boundaries of White Sands Missile Range the service is restricted to a maximum transmitter peak envelope power output of 50 watts.

US276 Except as otherwise provided for herein, use of the band 2310-2390 MHz by the mobile service is limited to aeronautical telemetering and associated telecommand operations for flight testing of manned or unmanned aircraft, missiles, or major components thereof. The following six frequencies are shared on a co-equal basis for telemetering and associated telecommand operations of expendable launch vehicles whether or not such operations involve flight testing: 2312.5, 2332.5, 2352.5, 2364.5, 2370.5 and 2382.5 MHz. All other mobile telemetering uses shall be secondary to the above uses.

US277 The band 10.6-10.68 GHz is also allocated on a primary basis to the radio astronomy service. However, the radio astronomy service shall not receive protection from stations in the fixed service which are licensed to operate in the one hundred most populous urbanized areas as defined by the U.S. Census Bureau. The following radio astronomy sites have been coordinated for observations in this band: National Radio Astronomy Observatory, Green Bank, West Virginia; (38°26′08″N.; 79°49′42″W.) National Radio Astronomy Observatory, Socorro, New Mexico; (34°04′43″N.; 107°37′04″W.), Harvard Radio Astronomy Station, Fort Davis, Texas; (30°38′08″N.; 103°56′42″W.), Hat Creek Observatory, Hat Creek, California; (40°49′03″N.; 121°28′24″W.), Owens Valley Radio Observatory, Big Pine, California; (37°13′54″N.; 118°17′36″W.), Naval Research Laboratory, Maryland Point, Maryland (38°22′26″N.; 77°14′00″W.).

US278 In the 22.55-23.55 and 32-33 GHz bands non-geostationary intersatellite links may operate on a secondary basis to geostationary intersatellite links.

US279 The frequency 2182 kHz may be authorized to fixed stations associated with the maritime mobile service for the sole purpose of transmitting distress calls and distress traffic, and urgency and safety signals and messages.

US281 In the band 25.07-25.11 MHz non-Government stations in the industrial radio services shall not cause harmful interference to, and must accept interference from, stations in the maritime mobile service operating in accordance with the International Table of Frequency Allocations.

US282 In the band 4650-4700 kHz frequencies may be authorized for non-Government communication with helicopters in support of off-shore drilling operations on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

US283 In the bands 2850-3025 kHz, 3400-3500 kHz, 4650-4700 kHz, 5450-5680 kHz, 6525-6685 kHz, 10005-10100 kHz, 11275-11400 kHz, 13260-13360 kHz and 17900-17970 kHz frequencies in these bands may be authorized for non-Government flight test purposes on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

US284 Until July 1, 1991, the carrier frequencies 6451.9 and 6455.0 kHz may be authorized to non-Government ship telephone and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations and that any interference from such services must be accepted.

US285 Under exceptional circumstances, the carrier frequency 2635, 2638, and 2738 kHz may be authorized to coast stations.

US287 The band 14-14.5 GHz is also allocated to the non-Government land mobile-satellite service (earth-to-space) on a secondary basis.

US290 In the band 1900-2000 kHz amateur stations may continue to operate on a secondary basis to the radiolocation service, pending a decision as to their disposition through a future rule making proceeding in conjunction with the implementation of the standard broadcasting service in the 1625-1705 kHz band.

US291 Television pickup stations in the mobile service may be authorized to use frequencies in the band 38.6-40 GHz on a secondary basis to stations operating in accordance with the Table of Frequency Allocations.

US292 In the band 14.0-14.2 GHz stations in the radionavigation service shall operate on a secondary basis to the fixed-satellite service.

US294 In the spectrum below 490 kHz electric utilities operate Power Line Carrier (PLC) systems on power transmission lines for communications important to the reliability and security of electric service to the public. These PLC systems operate under the provisions of Part 15 of the Federal Communications Commission's Rules and Regulations or Chapter 7 of the National Telecommunications and Information Administration's Manual of Regulations and Procedures for Federal Radio Frequency Management, on an unprotected and noninterference basis with respect to authorized radio users. Notification of intent to place new or revised radio frequency assignments or PLC frequency uses in the bands below 490 kHz is to be made in accordance with the Rules and Regulations of the FCC and NTIA, and users are urged to minimize potential interference to the degree practicable. This footnote does not provide any allocation status to PLC radio frequency uses.

US296 Until July 1, 1991, in the bands designated for ship wide-band telegraphy, facsimile and special transmission systems, the following assignable frequencies are available to non-Government stations on a shared basis with Government stations: 2070.5, 2072.5, 2074.5, 2076.5, 4160.6, 4168, 6238.6, 6242.6, 8326, 8341.5, 12485, 12489, 16654, 16658, 22186 and 22190 kHz. Effective July 1, 1991, in the bands designated for ship wide-band telegraphy, facsimile and special transmission systems, the following assignable frequencies are available to non-Government stations on a shared basis with Government stations: 2070.5, 2072.5, 2074.5, 2076.5, 4154, 4170, 6235, 6259, 8302, 8338, 12370, 12418, 16551, 16615, 18848, 18868, 22182, 22238, 25123, and 25159 kHz.

US297 The bands 47.2-49.2 GHz and 74.0-75.5 GHz are also available for feeder links for the broadcasting-satellite service.

US298 Channels 27555, 27615, 27635, 27655, 27765, and 27860 kHz are available to eligibles in the Forest Products Radio Service on a secondary basis to Government operations including experimental stations. Operations in the Forest Products Radio Service on these channels will not exceed 150 watts and are limited to the states of Washington, Oregon, Maine, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas (eastern portion).

US299 Until implementation procedures and schedules are determined by a future Regional Conference of the International Telecommunication Union the frequeny bands 1615-1625 and 1625-1705 kHz in Alaska are also allocated to the maritime mobile services and the Alaska fixed service.

US300 The frequencies 169.445, 169.505, 170.245, 170.305, 171.045, 171.105, 171.845 and 171.905 MHz are available for wireless microphone operations on a secondary basis to Government and non-Government operations.

US301 Except as provided in US302, broadcast auxiliary stations licensed as of November 21, 1984, to operate in the band 942-944 MHz may continue to operate on a co-equal primary basis to other stations and services operating in the band in accordance with the Table of Frequency Allocations.

US302 The band 942-944 MHz in Puerto Rico is allocated as an alternative allocation to the fixed service for broadcast auxiliary stations only.

US303 In the band 2285-2290 MHz, non-Government space stations in the space research, space operations and earth exploration-satellite services may be authorized to transmit to the Tracking and Data Relay Satellite System subject to such conditions as may be applied on a case-by case basis. Such transmissions shall not cause harmful interference to authorized Government stations. The power flux density at the Earth's surface from such non-Government stations shall not exceed -144 to -154 dBW/m^2/4 kHz, depending on angle of arrival, in accordance with ITU Radio Regulation 2557.

US306 The band 1610-1626.5 MHz is also allocated for use by the radiodetermination satellite service in the Earth-to-space direction.

US307 The sub-band 5150-5216 MHz is also allocated for space-to-Earth transmissions in the fixed satellite service for feeder links in conjunction with the radiodetermination satellite service operating in the bands 1610-1626.5 MHz and 2483.5-2500 MHz. The total power flux density at the earth's surface shall in no case exceed -159 dBW/m per 4 kHz for all angles of arrival.

US308 In the frequency bands 1549.5—1558.5 MHz and 1651—1660 MHz, the Aeronautical-Mobile-Satellite (R) requirements that cannot be accommodated in the 1545-1549.5 MHz, 1558.5-1559 MHz, 1646.5-1651 MHz and 1660-1660.5 MHz bands shall have priority access with real-time preemptive capability for communications in the mobile satelite service. Systems not interoperable with the aeronautical mobile-satellite (R) service shall operate on a secondary basis. Account shall be taken of the priority of safety-related communications in the mobile-satellite service.

US309 Transmissions in the bands 1545-1559 MHz from terrestrial aeronautical stations directly to aircraft stations, or between aircraft stations, in the aeronautical mobile (R) service are also authorized when such transmissions are used to extend or supplement the satellite-to-aircraft links. Transmissions in the band 1646.5-1660.5 MHz from aircraft stations in the aeronautical mobile (R) service directly to terrestrial aeronautical stations, or between aircraft stations, are also authorized when such transmissions are used to extend or supplement the aircraft-to-satellite links.

US310 In the band 14.896-15.121 GHz, non-Government space stations in the space research service may be authorized on a secondary basis to transmit to Tracking and Data Relay Satellites subject to such conditions as may be applied on a case-by-case basis. Such transmissions shall not cause harmful interference to authorized Government stations. The power flux density at the earth's surface from such non-Government stations shall not exceed −138 to −148 dBW/m²/kHz, depending on the angle of arrival, in accordance with CCIR Recommendation 510-1.

US311—Radio astronomy observations may be made in the 1350-1400 MHz band on an unprotected basis at certain Radio Astronomy Observatories indicated below:

National Astronomy and Ionosphere Center, Arecibo, Puerto Rico
  Rectangle between latitudes 17° 30′ N and 19° 00′ N and between longitudes 65° 10′ W and 68° 00′ W.
National Radio Astronomy Observatory, Socorro, New Mexico
  Rectangle between latitudes 32° 30′ N and 35° 30′ N and between longitudes 106° 00′ W and 109° 00′ W.
National Radio Astronomy Observatory, Green Bank, West Virginia
  Rectangle between latitudes 37° 30′ N and 39° 15′ N and between longitudes 78° 30′ W and 80° 30′ W.
National Radio Astronomy Observatory
  50 mile radius circles centered on:

Very long baseline array stations	Latitude (North)	Longitude (West)
Pie Town, NM	34° 18′	108° 07′
Kitt Peak, AZ	31° 57′	111° 37′
Los Alamos, NM	35° 47′	106° 15′
Fort Davis, TX	30° 38′	103° 57′
North Liberty, IA	41° 46′	91° 34′
Brewster, WA	48° 08′	119° 41′
Owens Valley, CA	37° 14′	118° 17′
Saint Croix, VI	17° 46′	64° 35′
Mauna Kea, HI	19° 49′	155° 28′
Hancock, NH	42° 56′	71° 59′

Every practicable effort will be made to avoid the assignment of frequencies in the band 1350-1400 MHz to stations in the fixed and mobile services which could interfere with radio astronomy observations within the geographic areas.

US312 The frequency 173.075 MHz may also be authorized on a primary basis to non-Government stations in the Police Radio Service (with a maximum authorized bandwidth of 20 kHz) for stolen vehicle recovery systems.

US316 The band 2900-3100 MHz is also allocated on a primary basis to the Meteorological Aids Service. Operations in this service are limited to Government Next Generation Weather Radar (NEXRAD) systems where accommodation in the 2700-2900 MHz band is not technically practical and are subject to coordination with existing authorized stations."

NON-GOVERNMENT (NG) FOOTNOTES

(These footnotes, each consisting of the letters "NG" followed by one or more digits, denote stipulations applicable only to the non-Government.)

NG2 Facsimile broadcasting stations may be authorized in the band 88-108 MHz.

NG3 Control stations in the domestic public mobile radio service may be authorized frequencies in the band 72-73 and 75.4-76 MHz on the condition that harmful interference will not be caused to operational fixed stations.

NG4 The use of the frequencies in the band 152.84-153.38 MHz may be authorized, in any area, to remote pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

NG6 Stations in the public safety radio services authorized as of June 30, 1958, to use frequencies in the band 159.51-161.79 MHz in areas other than Puerto Rico and the Virgin Islands may continue such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to stations in the services to which these bands are allocated. In Puerto Rico and the Virgin Islands this authority is limited to frequencies in the band 160.05-161.37 MHz. No new public radio service system will be authorized to operate on these frequencies.

NG12 Frequencies in the bands 454.40-455 MHz and 459.40-460 MHz may be assigned to domestic public land and mobile stations to provide a two-way air-ground public radiotelephone service.

NG17 Stations in the land transportation radio services authorized as of May 15, 1958 to operate on the frequency 161.61 MHz may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to the operation of any authorized station in the maritime mobile service. No new land transportation radio service system will be authorized to operate on 161.61 MHz.

NG19 Fixed stations associated with the maritime mobile service may be authorized, for purposes of communication with coast stations, to use frequencies assignable to ship stations in this band on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG23 Frequencies in the band 2100-2200 MHz may also be assigned to stations in the international fixed public radio service located south of 25°30′ north latitutde in the State of Florida and in U.S. Possessions in the Caribbean area, provided, however, no new assignments in the band 2150-2162 MHz will be made to such stations after February 25, 1974.

NG28 The frequency band 160.86-161.40 MHz is available for assignment to remote pickup base and remote pickup mobile stations in Puerto Rico and the Virgin Islands only on a shared basis with the land transportation radio service.

NG30 Stations in the international fixed public radiocommunication service in Florida, south of 25°30′ north latitude, may be authorized to use frequencies in the band 716-890 MHz on the condition that harmful interference will not be caused to the broadcasting service of any country. This is an interim allocation the termination of which will later be specified by the Commission when it is determined that equipments are generally available for use in bands allocated internationally to the fixed service.

NG31 Stations in the Rural Radio Service licensed for Basic Exchange Telecommunications Radio Service may be authorized to use some frequencies in the bands 816-820 MHz (fixed subscriber) and 861-865 MHz (central office or base), on a co-primary basis with private land mobile radio licensees, pursuant to Part 22 Subpart H.

NG41 Frequencies in the bands 3700-4200 MHz, 5925-6425 MHz, and 10.7-11.7 GHz may also be assigned to stations in the international fixed public and international control services located in U.S. Possessions in the Caribbean area.

NG42 Non-Government stations in the radiolocation service shall not cause harmful interference to the amateur service.

NG43 Fixed stations in the domestic public radio services in Alaska, south of 56° north latitude and east of 134° west longitude, may be authorized to use frequencies in the band 800-830 MHz, on the condition that harmful interference will not be caused to the broadcasting service of any country.

NG47 In the band 2500-2690 MHz, channels in 2500-2686 MHz, and the corresponding response frequencies 2686.0625-2689.8125 MHz, may be assigned to stations in the Instructional Television Fixed Service (Part 74 of this chapter, CFR 47); channels in 2596-2644 MHz and response frequencies 2686.5625-2689.6875 MHz may be assigned to Multipoint Distribution Service stations (Part 21 of this chapter CFR 47); and channels 2650-2656 MHz, 2662-2668 MHz and 2674-2680 MHz and response frequencies 2686.9375 MHz, 2687.9375 MHz and 2688.9375 MHz may be assigned to stations in the Operational Fixed Service (Part 94 of this chapter, CFR 47). In Alaska, however, frequencies within the band 2655-2690 MHz are not available for assignment to terrestrial stations.

NG49 The following frequencies may be authorized for mobile operations in the Manufacturers Radio Service subject to the condition that no interference is caused to the reception of television stations operating on channels 4 and 5 and that their use is limited to a manufacturing facility:

MHz	
72.02	72.22
72.04	72.24
72.06	72.26
72.08	72.28
72.10	72.30
72.12	72.32
72.14	72.34
72.16	72.36
72.18	72.38
72.20	72.40

Further, the following frequencies may be authorized for mobile operations in the Special Industrial Radio Service, Manufacturers Radio Service, Railroad Radio Service and Forest Products Radio Service subject to the condition that no interference is caused to the reception of television stations operating on channels 4 and 5; and that their use is limited to a railroad yard, manufacturing plant, logging site, mill, or similar industrial facility.

MHz	
72.44	75.44
72.48	75.48
72.52	75.52
72.56	75.56
72.60	75.60

NG51 In Puerto Rico and the Virgin Islands only, the bands 150.8-150.98 MHz and 150.98-151.49 MHz are allocated exclusively to the business radio service.

NG53 In the band 12.7-13.15 GHz, television pickup stations and CARS pickup stations shall be assigned channels on a coequal basis and shall operate on a secondary basis to fixed stations operating in accordance with the Table of Frequency Allocations. In the 13.15-13.20 GHz band television pickup stations and CARS pickup stations shall be assigned on an exclusive basis in the top one hundred markets, as set out in Section 76.51.

NG56 In the bands 72.0-73.0 and 75.4-76.0 MHz, the use of mobile radio remote control of models is on a secondary basis to all other fixed and mobile operations. Such operations are subject to the condition that interference will not be caused to common carrier domestic public stations, to remote control of industrial equipment operating in the 72-76 MHz band, or to the reception of television signal on channels 4 (66-72 MHz) or 5 (76-82 MHz). Television interference shall be considered to occur whenever reception of regularly used television signals is impaired or destroyed, regardless of the strength of the television signal or the distance to the television station.

NG59 The frequencies 37.60 and 37.85 MHz may be authorized only for use by base, mobile, and operational fixed stations participating in an interconnected or coordinated power service utility system.

NG63 Television Broadcast translator stations holding valid licenses on November 15, 1971, to operate in the frequency band 806-890 MHz (channels 70-83), may continue to operate in this band, pursuant to periodic license renewals, on a secondary basis to the land mobile radio service.

NG66 The frequency band 470-512 MHz is allocated for use in the broadcasting and land mobile radio services. In the land mobile services it is available for assignment in the domestic public, public safety, industrial, and land transportation radio services at, or in the vicinity of 13 urbanized areas of the United States, as set forth in the table below. Additionally, in the land mobile services, TV Channel 16 is available for assignment in the public safety radio services at, or in the vicinity of Los Angeles. Such use in the land mobile services is subject to the conditions set forth in Parts 22 and 90 of this chapter, CFR 47.

Urbanized area	TV channel
New York-Northeastern New Jersey	14, 15
Los Angeles	14, 20
Chicago-Northwestern Indiana	14, 15
Philadelphia, PA-New Jersey	19, 20
Detroit, Michigan	15, 16
San Francisco-Oakland, California	16, 17
Boston, Mass	14, 16
Washington, D.C.-Maryland-Virginia	17, 18
Pittsburgh, PA	14, 18
Cleveland, Ohio	14, 15
Miami, Florida	14
Houston, Texas	17
Dallas, Texas	16

NG70 In Puerto Rico and the Virgin Islands only, the bands 159.240-159.435 and 160.410-160.620 MHz are also available for assignment to base stations and mobile stations in the special industrial radio service.

NG101 The use of the band 2500-2690 MHz by the broadcasting-satellite service is limited to domestic and regional systems for community reception of educational television programming and public service information. Such use is subject to agreement among administrations concerned and those having services operating in accordance with the table, which may be affected. Unless such agreement includes the use of higher values, the power flux density at the earth's surface produced by emissions from a space station in this service shall not exceed those values set forth in Part 73 of the rules for this frequency band.

NG102 The frequency bands 2500-2655 MHz (space-to-earth) and 2655-2690 MHz (earth-to-space) are allocated for use in the fixed-satellite service as follows:

(a) For common carrier use in Alaska, for intra-Alaska service only, and in the mid and western Pacific areas including American Samoa, the Trust Territory of the Pacific Islands, Guam and Hawaii;

(b) For educational use in the contiguous United States, Alaska and the mid and western Pacific areas including American Samoa, the Trust Territory of the Pacific Islands, Guam and Hawaii.

Such use is subject to agreement with administrations having services operating in accordance with the table, which may be affected. In the band 2500-2655 MHz, unless such agreement includes the use of higher values, the power flux density at the earth's surface produced by emissions from a space station in this service shall not exceed the values set forth in Part 25 of the Rules for this frequency band.

NG104 The use of the bands 10.7-11.7 and 12.75-13.25 GHz in the fixed-satellite service is limited to international systems, i.e., other than domestic systems.

NG111 The band 157.4375-157.4625 MHz may be used for one way paging operations in the special emergency radio service.

NG112 The frequencies 25.04, 25.08, 150.980, 154.585, 158.445, 159.480, 454.000 and 459.000 MHz may be authorized to stations in the petroleum radio service for use primarily in oil spill containment and cleanup operations and secondarily in regular land mobile communication.

NG114 In the Gulf of Mexico offshore from the Louisiana-Texas coast, the frequency band 476-494 MHz (TV channels 15, 16 and 17) is allocated to the Domestic Public and Private Land Mobile Radio Services in accordance with the regulations set forth in Parts 22 and 90 respectively.

NG115 In the 174 to 216 MHz band wireless microphones may be authorized to operate on a secondary, non-interfering basis, subject to terms and conditions set forth in Part 74 of these Rules and Regulations.

NG117 The frequency 156.050 and 156.175 MHz may be assigned to stations in the maritime mobile service for commercial and port operations in the New Orleans Vessel Traffic Service (VTS) area and the frequency 156.250 MHz may be assigned to stations in the maritime mobile service for port operating in the New Orleans and Houston VTS areas.

NG118 Television translator relay stations may be authorized to use frequencies in this band on a secondary basis to stations operating in accordance with the Table of Frequency Allocations.

NG120 Frequencies in the 928-960 MHz band may be assigned for multiple address systems and mobile operations on a primary basis as specified in Part 94 of this chapter.

NG121 The maritime mobile use of this band is limited to operation along the Mississippi River and connecting waterways, the Gulf Intracoastal Waterway, and the offshore waters of the Gulf of Mexico.

NG124 In the public safety radio service allocations within the bands 30-50 MHz, 150-174 MHz and 450-470 MHz, police radio service licenses are authorized to operate low powered radio transmitters on a secondary, non-interference basis in accordance with the provisions of Sections 2.803 and 90.19(f)(5) of the Rules.

NG127 In Hawaii, the frequency band 488-494 MHz is allocated exclusively to the fixed service for use by common carrier control and repeater stations for point-to-point inter-island communications only.

NG128 In the band 535-1605 kHz, AM broadcast licensees or permittees may use their AM carrier on a secondary basis to transmit signals intended for both broadcast and non-broadcast purposes. In the band 88-108 MHz, FM broadcast licensees or permittees are permitted to use subcarriers on a secondary basis to transmit signals intended for both broadcast and non-broadcast purposes. In the bands 54-72, 76-88, 174-216 and 740-890 MHz, TV broadcast licensees or permittees are permitted to use subcarriers on a secondary basis for both broadcast and non-broadcast purposes.

NG129 In Alaska, the bands 76-88 MHz and 88-100 MHz are also allocated to the Fixed service on a secondary basis. Broadcast stations operating in these bands shall not cause interference to non-Government fixed operations authorized prior to January 1, 1982.

NG133 Stations authorized in the band 73-74.6 MHz as of December 1, 1961 may continue to operate until December 31, 1985. Such stations shall not be required to afford protection to radio astronomy observations within the United States and possessions, however, such stations must afford protection to the observatories of other countries.

NG134 In the band 10.45-10.5 GHz non-Government stations in the radiolocation service shall not cause harmful interference to the amateur and amateur-satellite services.

NG135 In the 420-430 MHz band the amateur service is not allocated north of line A (def. § 2.1).

NG139 Pending adopting of further specific rules concerning usage of the band 12.2-12.7 GHz by the fixed and broadcasting-satellite services, systems in these services may be authorized subject to the condition that adjustments in certain systems design or technical parameters may become necessary during the systems lifetime. The necessity for such adjustments, and their extent, will be dependent upon the Final Acts of the 1983 Regional Administrative Radio Conference and subsequent Commission decisions.

NG140 Pending adopting of further specific rules concerning usage of the band 17.3-17.8 GHz by the fixed-satellite service for the purpose of providing feeder links to the broadcasting-satellite service, systems may be authorized for this purpose subject to the condition that adjustments in certain systems design or technical parameters may become necessary during the system lifetime. The necessity for such adjustments, and their extent, will be dependent upon the Final Acts of the 1983 Regional Administrative Radio Conference and subsequent Commission decisions.

NG141 The frequencies 42.40 MHz and 44.10 MHz are authorized on a primary basis in the State of Alaska for meteor burst communications by fixed stations in the Rural Radio Service operating under the provisions of Part 22 of this Chapter. The frequencies 44.20 MHz and 45.90 MHz are authorized on a primary basis in Alaska for meteor burst communications by fixed private radio stations operating under the provisions of Part 90 of the Chapter. The private radio station frequencies may be used by Common Carrier stations on a secondary, noninterference basis and the Common Carrier frequencies may be used by private radio stations for meteor burst communications on a secondary, noninterference basis. Users shall cooperate to the extent practical to minimize potential interference. Stations utilizing meteor burst communications shall not cause harmful interference to stations of other radio services operating in accordance with the Table of Frequency Allocations.

NG142 TV broadcast stations authorized to operate in the bands 54-72, 76-88, 174-216, 470-512, and 512-806 MHz may use a portion of the television vertical blanking interval for the transmission of telecommunications signals, on the condition that harmful intereference will not be caused to the reception of primary services, and that such telecommunications services must accept any interference caused by primary services operating in these bands.

NG143 In the band 11.7-12.2 GHz protection from harmful interference shall be afforded to transmissions from space stations not in conformance with international footnote 839 only if the operations of such space stations impose no unacceptable constraints on operations or orbit locations of space stations in conformance with 839.

NG144 Stations authorized as of September 9, 1983 to use frequencies in the band 17.7-19.7 GHz may, upon proper application, continue to be authorized for such operation.

NG145 In the band 11.7-12.2 GHz, transponders on space stations in the fixed-satellite service may be used additionally for transmissions in the broadcasting-satellite service, provided that such transmissions do not have a maximum e.i.r.p. greater than 53 dBW per television channel and do not cause greater interference or require more protection from interference than the coordinated fixed-satellite service frequency assignments. With respect to the space services, this band shall be used principally for the fixed-satellite service.

NG147 Stations in the broadcast auxiliary service and private radio services licensed as of July 25, 1985, or on a subsequent date following as a result of submitting an application for license on or before July 25, 1985, may continue to operate on a primary basis with the radiodetermination satellite service.

NG148 The frequencies 154.585 MHz, 159.480 MHz, 160.725 MHz, 160.785 MHz, 454.000 MHz and 459.000 MHz may be authorized to maritime mobile stations for offshore radiolocation and associated telecommand operations.

NG149 The frequency bands 54-72 MHz, 76-88 MHz, 174-216 MHz, 470-512 MHz, 512-608 MHz, and 614-806 MHZ are also allocated to the Fixed Service to permit subscription television operations in accordance with Part 73 of the rules.

NG151 In the frequency bands 824-849 MHz and 869-894 MHz, cellular land mobile licensees are permitted to offer auxiliary services on a secondary basis subject to the provisions of Part 22.

GOVERNMENT (G) FOOTNOTES

(These footnotes, each consisting of the letter "G" followed by one or more digits, denote stipulations applicable only to the Government.)

G2 In the bands 216-225, 420-450 (except as provided by US217) 890-902, 928-942, 1300-1400, 2300-2450, 2700-2900, 5650-5925 and 900-9200 MHz, the Government radiolocation is limited to the military services.

G5 In the bands 162.0125-173.2, 173.4-174, 406.1-410 and 410-420 MHz, the fixed and mobile services are all allocated on a primary basis to the Government non-military agencies.

G6 Military tactical fixed and mobile operations may be conducted nationally on a secondary basis: (1) To the meteorological aids service in the band 403-406 MHz; and (2) to the radio astronomy service in the band 406.1-410 MHz. Such fixed and mobile operations are subject to local coordination to ensure that harmful interference will not be caused to the services to which the bands are allocated.

G8 Low power Government radio control operations are permitted in the band 420-450 MHz.

G11 Government fixed and mobile radio services, including low power radio control operations, are permitted in the band 902-928 MHz on a secondary basis.

G15 Use of the band 2700-2900 MHz by the military fixed and shipborne air defense radiolocation installations will be fully coordinated with the meteorological aids and aeronautical radionavigation services. The military air defense installations will be moved from the band 2700-2900 MHz at the earliest practicable date. Until such time as military air defense installations can be accommodated satisfactorily elsewhere in the spectrum, such operations will, insofar as practicable, be adjusted to meet the requirements of the aeronautical radionavigation service.

G19 Use of the band 9000-9200 MHz by military fixed and shipborne air defense radiolocation installations will be fully coordinated with the aeronautical radionavigation service, recognizing fully the safety aspects of the latter. Military air defense installations will be accommodated ultimately outside this band. Until such time as military defense installations can be accommodated satisfactorily elsewhere in the spectrum such operations will, insofar as practicable, be adjusted to meet the requirements of the aeronautical radionavigation services.

G27—In the bands 225-328.6, 335.4-399.9, and 1350-1400 MHz, the fixed and mobile services are limited to the military services.

G30—In the bands 138-144, 148-149.9, 150.05-150.8, 1427-1429, and 1429-1435 MHz, the fixed and mobile services are limited primarily to operations by the military services.

G31 In the 3300-3500 MHz, the Government radiolocation is limited to the military services, except as provided by footnote.

G32 Except for weather radars on meteorological satellites in the band 9975-10025 MHz and for Government survey operations (see footnote US108), Government radiolocation in the band 10000-10500 MHz is limited to the military services.

G34 In the band 34.4-34.5 GHz, weather radars on board meteorological satellites for cloud detection are authorized to operate on the basis of equality with military radiolocation devices. All other non-military radiolocation in the band 33.4-36.0 GHz shall be secondary to the military services.

G42 Space command, control, range and range rate systems for earth station transmission only (including installations on certain Navy ships) may be accommodated on a co-equal basis with the fixed and mobile services in the band 1761-1842 MHz. Specific frequencies required to be used at any location will be satisfied on a coordinated case-by-case basis.

G56 Government radiolocation in the bands 1215-1300, 2900-3100, 5350-5650 and 9300-9500 MHz is primarily for the military services; however, limited secondary use is permitted by other Government agencies in support of experimentation and research programs. In addition, limited secondary use is permitted for survey operations in the band 2900-3100 MHz.

G59 In the bands 902-928 MHz, 3100-3300 MHz, 3500-3700 MHz, 5250-5350 MHz, 8500-9000 MHz, 9200-9300 MHz, 13.4-14.0 GHz, 15.7-17.7 GHz and 24.05-24.25 GHz, all Government non-military radiolocation shall be secondary to military radiolocation, except in the subband 15.7-16.2 GHz airport surface detection equipment (ASDE) is permitted on a co-equal basis subject to coordination with the military departments.

G100 The bands 235-322 MHz and 335.4-399.9 MHz are also allocated on a primary basis to the mobile-satellite service, limited to military operations.

G101 In the band 2200-2290 MHz, space operations (space-to-earth) and (space-to-space), and earth exploration-satellite (space-to-earth) and (space-to-space) services, may be accommodated on a co-equal basis with fixed, mobile and space research services.

G104 In the bands 7450-7550 and 8175-8215 MHz, it is agreed that although the military space radio communication systems, which include earth stations near the proposed meteorological-satellite installations will precede the meteorological-satellite installations, engineering adjustments to either the military or the meteorological-satellite systems or both will be made as mutually required to assure compatible operations of the systems concerned.

G106 The bands 2501-2502, 5003-5055 kHz, 10003-10005 kHz, 15005-15010 kHz, 19990-19995 kHz, 20005-20010 kHz and 25005-25010 kHz are also allocated on a secondary basis to the space research service. The space research transmissions are subject to immediate temporary or permanent shutdown in the event of interference to the reception of the standard frequency and time broadcasts.

G109 All assignments in the band 157.0375-157.1875 MHz are subject to adjustment to other frequencies in this band as long term U.S. maritime VHF planning develops, particularly that planning incident to support of the National VHF-FM Radiotelephone Safety and Distress System (See Doc. 15624/1-1.9.111/1.9.125).

G110 Government ground-based stations in the aeronautical radionavigation service may be authorized between 3500-3700 MHz where accommodation in the 2700-2900 MHz band is not technically and/or economically feasible.

G114 In the band 1350-1400 MHz, the frequency 1381.05 MHz with emissions limited to ±12 MHz is also allocated to fixed and mobile satellite services (space-to-earth) for the relay of nuclear burst data.

G115 In the band 13360-13410 kHz, the fixed service is allocated on a primary basis outside the conterminous United States. Within the conterminous United States, assignments in the fixed service are permitted, and will be protected for national defense purposes or, if they are to be used only in an emergency jeopardizing life, public safety, or important property under conditions calling for immediate communication where other means of communication do not exist.

G116 The band 7125-7155 MHz is also allocated for earth-to-space transmissions in the Space Operations Service at a limited number of sites (not to exceed two), subject to established coordination procedures.

G117 In the bands 7250-7750 and 7900-8400 MHz and 20.2-21.2, 30-31, 39.5-40.5, 43.5-45.5 and 50.4-51.4 GHz the Government fixed-satellite and mobile-satellite services are limited to military systems.

G118 Government fixed stations may be authorized in the band 1700-1710 MHz only if spectrum is not available in the band 1710-1850 MHz.

G119 In the band 14714.5-15136.5 MHz, assignments in the Fixed Service which were in existence as of January 1, 1982 may continue on a primary basis until January 1, 1990.

[49 FR 2373, Jan. 19, 1984]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 2.106, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 2.107 Radio astronomy station notification.

(a) Pursuant to No. 1492 of Article 13 and Section F of Appendix 3 to the international *Radio Regulations* (Geneva, 1982), operators of radio astronomy stations desiring international recognition of their use of specific radio astronomy frequencies or bands of frequencies for reception, should file the following information with the Commission for inclusion in the Master International Frequency Register:

(1) The center of the frequency band observed, in kilohertz up to 28,000 kHz inclusive, in megahertz above 28,000 kHz to 10,500 MHz inclusive and in gigahertz above 10,500 MHz.

(2) The date (actual or foreseen, as appropriate) when reception of the frequency band begins.

(3) The name and location of the station, including geographical coordinates in degrees and minutes.

(4) The width of the frequency band (in kHz) observed by the station.

(5) The antenna type and dimensions, effective area and angular coverage in azimuth and elevation.

(6) The regular hours of reception (in UTC) of the observed frequency.

(7) The overall receiving system noise temperature (in kelvins) referred to the output of the receiving antenna.

(8) The class of observations to be taken. Class A observations are those in which the sensitivity of the equipment is not a primary factor. Class B observations are those of such a nature that they can be made only with advanced low-noise receivers using the best techniques.

(9) The name and mailing address of the operator.

(b) The permanent discontinuance of observations, or any change to the information above, should also be filed with the Commission.

(c) Observations being conducted on frequencies or frequency bands not allocated to the radio astronomy service should be reported as in paragraph (a) of this section for information purposes. Information in this category will not be submitted for entry in the Master International Frequency Register and protection from interference will not be afforded such operations by stations in other services.

§ 2.108 Policy regarding the use of the fixed-satellite allocations in the 3.6-3.7, 4.5-4.8, and 5.85-5.925 GHz bands.

The use of the fixed-satellite allocations in the United States in the above bands will be governed by footnote US245. Use of the fixed-satellite service allocations in these bands is for the international fixed-satellite service, that is, for international inter-continental communications. Case-by-case electromagnetic compatibility analysis is required with all users of the bands. It is anticipated that one earth station on each coast can be successfully coordinated. Specific locations of these earth stations depend upon service requirements and case-by-case EMC analyses that demonstrate compatible operations.

Subpart C—Emissions

§ 2.201 Emission, modulation, and transmission characteristics.

The following system of designating emission, modulation, and transmission characteristics shall be employed.

(a) Emissions are designated according to their classification and their necessary bandwidth.

(b) A minimum of three symbols are used to describe the basic characteristics of radio waves. Emissions are classified and symbolized according to the following characteristics:

(1) First symbol—type of modulation of the main character;

(2) Second symbol—nature of signal(s) modulating the main carrier;

(3) Third symbol—type of information to be transmitted.

NOTE: A fourth and fifth symbol are provided for additional information and are shown in Appendix 6, Part A of the ITU Radio Regulations. Use of the fourth and fifth symbol is optional. Therefore, the symbols may be used as described in Appendix 6, but are not required by the Commission.

(c) First Symbol—types of modulation of the main carrier:

(1) Emission of an unmodulated carrier	N
(2) Emission in which the main carrier is amplitude-modulated (including cases where sub-carriers are angle-modulated):	
—Double-sideband	A
—Single-sideband, full carrier	H
—Single-sideband, reduced or variable level carrier	R
—Single-sideband, suppressed carrier	J
—Independent sidebands	B
—Vestigial sideband	C
(3) Emission in which the main carrier is angle-modulated:	
—Frequency modulation	F
—Phase modulation	G

NOTE: Whenever frequency modulation "F" is indicated, Phase modulation "G" is also acceptable.

(4) Emission in which the main carrier is amplitude and angle-modulated either simultaneously or in a pre-established sequence	D
(5) Emission of pulses:[1]	
—Sequence of unmodulated pulses	P
—A sequence of pulses:	
—Modulated in amplitude	K
—Modulated in width/duration	L
—Modulated in position/phase	M
—In which the carrier is angle-modulated during the period of the pulse	Q
—Which is a combination of the foregoing or is produced by other means	V
(6) Cases not covered above, in which an emission consists of the main carrier modulated, either simultaneously or in a pre-established sequence, in a combination of two or more of the following modes: amplitude, angle, pulse	W
(7) Cases not otherwise covered	X

[1] Emissions where the main carrier is directly modulated by a signal which has been coded into quantized form (e.g. pulse code modulation) should be designated under (2) or (3).

(d) Second Symbol—nature of signal(s) modulating the main carrier:

(1) No modulating signal	0
(2) A single channel containing quantized or digital information without the use of a modulating sub-carrier, excluding time-division multiplex	1
(3) A single channel containing quantized or digital information with the use of a modulating sub-carrier, excluding time-division multiplex	2
(4) A single channel containing analogue information	3
(5) Two or more channels containing quantized or digital information	7
(6) Two or more channels containing analogue information	8
(7) Composite system with one or more channels containing quantized or digital information, together with one or more channels containing analogue information	9
(8) Cases not otherwise covered	X

(e) Third Symbol—type of information to be transmitted:[2]

(1) No information transmitted	N
(2) Telegraphy—for aural reception	A
(3) Telegraphy—for automatic reception	B
(4) Facsimile	C
(5) Data transmission, telemetry, telecommand	D
(6) Telephony (including sound broadcasting)	E
(7) Television (video)	F
(8) Combination of the above	W
(9) Cases not otherwise covered	X

(f) Type *B* emission: As an exception to the above principles, damped waves are symbolized in the Commission's rules and regulations as type *B* emission. The use of type B emissions is forbidden.

(g) Whenever the full designation of an emission is necessary, the symbol for that emission, as given above, shall be preceded by the necessary bandwidth of the emission as indicated in § 2.202(b)(1).

[49 FR 48697, Dec. 14, 1984]

§ 2.202 Bandwidths.

(a) *Occupied bandwidth.* The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission. In some cases, for example multichannel frequency-division systems, the percentage of 0.5 percent may lead to certain difficulties in the practical application of the definitions of occupied and necessary bandwidth; in such cases a different percentage may prove useful.

(b) *Necessary bandwidth.* For a given class of emission, the minimum value of the occupied bandwidth sufficient to ensure the transmission of information at the rate and with the quality required for the system employed, under specified conditions. Emissions useful for the good functioning of the receiving equipment as, for example, the emission corresponding to the carrier of reduced carrier systems, shall be included in the necessary bandwidth.

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[2] In this context the word "information" does not include information of a constant, unvarying nature such as is provided by standard frequency emissions, continuous wave and pulse radars, etc.

(1) The necessary bandwidth shall be expressed by three numerals and one letter. The letter occupies the position of the decimal point and represents the unit of bandwidth. The first character shall be neither zero nor K, M or G.

(2) Necessary bandwidths:

between 0.001 and 999 Hz shall be expressed in Hz (letter H);
between 1.00 and 999 kHz shall be expressed in kHz (letter K);
between 1.00 and 999 MHz shall be expressed in MHz (letter M);
between 1.00 and 999 GHz shall be expressed in GHz (letter G).

(3) Examples:

0.002 Hz—H002
0.1 Hz—H100
25.3 Hz—25H3
400 Hz—400H
2.4 kHz—2K40
6 kHz—6K00
12.5 kHz—12K5
180.4 kHz—180K
180.5 kHz—181K
180.7 kHz—181K
1.25 MHz—1M25
2 MHz—2M00
10 MHz—10M0
202 MHz—202M
5.65 GHz—5G65

(c) The necessary bandwidth may be determined by one of the following methods:

(1) Use of the formulas included in the table, in paragraph (g) of this section, which also gives examples of necessary bandwidths and designation of corresponding emissions;

(2) For frequency modulated radio systems which have a substantially linear relationship between the value of input voltage to the modulator and the resulting frequency deviation of the carrier and which carry either single sideband suppressed carrier frequency division multiplex speech channels or television, computation in accordance with provisions of paragraph (f) of this section and formulas and methods indicated in the table, in paragraph (g) of this section;

(3) Computation in accordance with Recommendations of the International Radio Consultative Committee (C.C.I.R.);

(4) Measurement in cases not covered by paragraph (c) (1), (2), or (3) of this section.

(d) The value so determined should be used when the full designation of an emission is required. However, the necessary bandwidth so determined is not the only characteristic of an emission to be considered in evaluating the interference that may be caused by that emission.

(e) In the formulation of the table in paragraph (g) of this section, the following terms are employed:

B_n = Necessary bandwidth in hertz
B = Modulation rate in bauds
N = Maximum possible number of black plus white elements to be transmitted per second, in facsimile
M = Maximum modulation frequency in hertz
C = Sub-carrier frequency in hertz
D = Peak frequency deviation, i.e., half the difference between the maximum and minimum values of the instantaneous frequency. The instantaneous frequency in hertz is the time rate of change in phase in radians divided by 2
t = Pulse duration in seconds at half-amplitude
t_r = Pulse rise time in seconds between 10% and 90% of maximum amplitude
K = An overall numerical factor which varies according to the emission and which depends upon the allowable signal distortion.
N_c = Number of baseband telephone channels in radio systems employing multichannel multiplexing
P = Continuity pilot sub-carrier frequency (Hz) (continuous signal utilized to verify performance of frequency-division multiplex systems).

(f) Determination of values of *D* and B_n for systems specified in paragraph (c)(2) of this section:

(1) Determination of *D* in systems for multichannel telephony:

(i) The rms value of the per-channel deviation for the system shall be specified. (In the case of systems employing preemphasis or phase modulation, this value of per-channel deviation shall be specified at the characteristic baseband frequency.)

(ii) The value of D is then calculated by multiplying the rms value of the per-channel deviation by the appropriate factors, as follows:

Number of message circuits	Multiplying factors	Limits of X (P_{avg} (dBmO))
More than 3, but less than 12	4.47 × [a factor specified by the equipment manufacturer or station licensee, subject to Commission approval].	
At least 12, but less than 60	$\frac{3.76 \text{ antilog } (X+2 \log_{10} N_c)}{20}$	X: −2 to +2.6
At least 60, but less than 240	$\frac{3.76 \text{ antilog } (X+4 \log_{10} N_c)}{20}$	X: −5.6 to −1.0
240 or more	$\frac{3.76 \text{ antilog } (X+10 \log_{10} N_c)}{20}$	X: −19.6 to −15.0

Where X represents the average power in a message circuit in dBmO; N_c is the number of circuits in the multiplexed message load; 3.76 corresponds to a peak load factor of 11.5 dB.

(2) The necessary bandwidth (B_n) normally is considered to be numerically equal to:

(i) $2M+2DK$, for systems having no continuity pilot subcarrier or having a continuity pilot subcarrier whose frequency is not the highest modulating the main carrier;

(ii) $2P+2DK$, for systems having a continuity pilot subcarrier whose frequency exceeds that of any other signal modulating the main carrier, unless the conditions set forth in paragraph (f)(3) of this section are met.

(3) As an exception to paragraph (f)(2)(ii) of this section, the necessary bandwidth (B_n) for such systems is numerically equal to $2P$ or $2M+2DK$, whichever is greater, provided the following conditions are met:

(i) The modulation index of the main carrier due to the continuity pilot subcarrier does not exceed 0.25, and

(ii) In a radio system of multichannel telephony, the rms frequency deviation of the main carrier due to the continuity pilot subcarrier does not exceed 70 percent of the rms value of the per-channel deviation, or, in a radio system for television, the rms deviation of the main carrier due to the pilot does not exceed 3.55 percent of the peak deviation of the main carrier.

(g) Table of necessary bandwidths:

Description of emission	Necessary bandwidth		Designation of emission
	Formula	Sample calculation	
I. NO MODULATING SIGNAL			
Continuous wave emission.			N0N (zero)
II. AMPLITUDE MODULATION			
1. Signal With Quantized or Digital Information			
Continuous wave telegraphy.	$B_n = BK$, $K=5$ for fading circuits, $K=3$ for non-fading circuits	25 words per minute; $B=20$, $K=5$, Bandwidth: 100 Hz	100HA1A
Telegraphy by on-off keying of a tone modulated carrier.	$B_n = BK+2M$, $K=5$ for fading circuits, $K=3$ for non-fading circuits	25 words per minute; $B=20$, $M=1000$, $K=5$, Bandwidth: 2100 Hz = 2.1 kHz	2K10A2A
Selective calling signal, single-sideband full carrier.	$B_n = M$	Maximum code frequency is: 2110 Hz, $M=2110$, Bandwidth: 2110 Hz = 2.11 kHz	2K11H2B
Direct-printing telegraphy using a frequency shifted modulating sub-carrier single-sideband suppressed carrier.	$B_n = 2M+2DK$, $M = B \div 2$	$B=50$, $D=35$ Hz (70 Hz shift), $K=1.2$, Bandwidth: 134 Hz	134HJ2B

Description of emission	Necessary bandwidth		Designation of emission
	Formula	Sample calculation	
Telegraphy, single sideband reduced carrier.	B_n = central frequency + M + DK, M = B ÷ 2	15 channels; highest central frequency is 2805 Hz, B = 100, D = 42.5 Hz (85 Hz shift), K = 0.7 Bandwidth: 2.885 Hz = 2.885 kHz	2K89R7B
2. Telephony (Commercial Quality)			
Telephony double-sideband.	B_n = 2M	M = 3000, Bandwidth = 6000 Hz = 6 kHz	6K00A3E
Telephony, single-sideband, full carrier.	B_n = 2M	M = 3000. Bandwidth: 3000 Hz = 3 kHz	3K00H3E
Telephony, single-sideband suppressed carrier.	B_n = M − lowest modulation frequency	M = 3000, lowest modulation frequency is 3000 Hz, 2700 Hz Bandwidth: 2700Hz = 2.7 kHz	2K70J3E
Telephony with seperate frequency modulated signal to control the level of demodulated speech signal, single-sideband, reduced carrier.	B_n = M	Maximum control frequency is 2990 Hz. M = 2990, Bandwidth: 2990 Hz = 2.99 kHz	2K99R3E
Telephony with privacy, single-sideband, suppressed carrier (two or more channels).	B_n = N_cM − lowest modulation frequency in the lowest channel	N_c = 2, M = 3000 lowest modulation frequency is 250 Hz, Bandwidth: 5750 Hz = 5.75 kHz	5K75J8E
Telephony, independent sideband (two or more channels).	B_n = sum of M for each sideband	2 channels, M = 3000, Bandwidth: 6000 Hz = 6 kHz	6K00B8E
3. Sound Broadcasting			
Sound broadcasting, double-sideband.	B_n = 2M, M may vary between 4000 and 10000 depending on the quality desired	Speech and music, M = 4000, Bandwidth: 8000 Hz = 8 kHz	8K00A3E
Sound broadcasting, single-sideband reduced carrier (single channel).	B_n = M, M may vary between 4000 and 10000 depending on the quality desired	Speech and music, M = 4000, Bandwidth: 4000 Hz = 4 kHz	4K00R3E
Sound broadcasting, single-sideband, suppressed carrier.	B_n = M − lowest modulation frequency	Speech and music, M = 4500, lowest modulation frequency = 50 Hz, Bandwidth: 4450 Hz = 4.45 kHz	4K45J3E
4. Television			
Television, vision and sound.	Refer to CCIR documents for the bandwidths of the commonly used television systems	Number of lines = 525; Nominal video bandwidth: 4.2 MHz, Sound carrier relative to video carrier = 4.5 MHz	5M75C3F
		Total vision bandwidth: 5.75 MHz; FM aural bandwidth including guardbands: 250,000 Hz	250KF3E
		Total bandwidth: 6 MHz	6M25C3F
5. Facsimile			
Analogue facsimile by sub-carrier frequency modulation of a single-sideband emission with reduced carrier.	B_n = C − N ÷ 2 + DK, K = 1.1 (typically)	N = 1100, corresponding to an index of cooperation of 352 and a cycler rotation speed of 60 rpm. Index of cooperation is the product of the drum diameter and number of lines per unit length C = 1900, D = 400 Hz, Bandwidth = 2.890 Hz = 2.89 kHz	2K89R3C

Description of emission	Necessary bandwidth		Designation of emission
	Formula	Sample calculation	
Analogue facsimile; frequency modulation of an audio frequency sub-carrier which modulates the main carrier, single-sideband suppressed carrier.	$B_n=2M+2DK$, $M=N/2$, $K=1.1$ (typically)	$N=1100$, $D=400$ Hz, Bandwidth: 1980 Hz = 1.98 kHz	1K98J3C
6. Composite Emissions			
Double-sideband, television relay.	$B_n=2C+2M+2D$	Video limited to 5 MHz, audio on 6.5 MHz frequency modulated subcarrier deviation = 50 kHz: $C=6.5\times10^6$ $D=50\times10^3$ Hz, $M=15{,}000$, Bandwidth: 13.13×10^6 Hz = 13.13 MHz	13M2A8W
Double-sideband radio relay system.	$B_n=2M$	10 voice channels occupying baseband between 1 kHz and 164 kHz; $M=164{,}000$ bandwidth = 328,000 Hz = 328 kHz	328KA8E
Double-sideband emission of VOR with voice (VOR = VHF omnidirectional radio range).	$B_n=2C_{max}+2M+2DK$, $K=1$ (typically)	The main carrier is modulated by: —a 30 Hz sub-carrier—a carrier resulting from a 9960 Hz tone frequency modulated by a 30 Hz tone—a telephone channel—a 1020 Hz keyed tone for continual Morse identification. $C_{max}=9960$, $M=30$, $D=480$ Hz, Bandwidth: 20,940 Hz = 20.94 kHz	20K9A9W
Independent sidebands; several telegraph channels together with several telephone channels.	B_n = sum of M for each sideband	Normally composite systems are operated in accordance with standardized channel arrangements, (e.g. CCIR Rec. 348-2) 3 telephone channels and 15 telegraphy channels require the bandwidth 12,000 Hz = 12 kHz	12K0B9W
III-A. FREQUENCY MODULATION 1. Signal With Quantized or Digital information			
Telegraphy without error-correction (single channel).	$B_n=2M+2DK$, $M=B\div2$, $K=1.2$ (typically)	$B=100$, $D=85$ Hz (170 Hz shift), Bandwidth: 304 Hz	304HF1B
Four-frequency duplex telegraphy.	$B_n 2M+2DK$, B = Modulation rate in bands of the faster channel. If the channels are synchronized: $M=B\div2$, otherwise $M=2B$, $K=1.1$ (typically)	Spacing between adjacent frequencies = 400 Hz; Synchronized channels; $B=100$, $M=50$, $D=600$ Hz, Bandwidth: 1420 Hz = 1.42 kHz	1K42F7B
2. Telephony (Commercial Quality)			
Commercial telephony	$B_n=2M+2DK$, $K=1$ (typically, but under conditions a higher value may be necessary	For an average case of commercial telephony, $M=3{,}000$, Bandwidth: 16,000 Hz = 16 kHz	16K0F3E
3. Sound Broadcasting			
Sound broadcasting	$B_n=2M+2DK$, $K=1$ (typically)	Monaural, $D=75{,}000$ Hz, $M=15{,}000$, Bandwidth: 180,000 Hz = 180 kHz	180KF3E
4. Facsimile			
Facsimile by direct frequency modulation of the carrier; black and white.	$B_n=2M+2DK$, $M=N\div2$, $K=1.1$ (typically)	$N=1100$ elements/sec; $D=400$ Hz, Bandwidth: 1980 Hz = 1.98 kHZ	1K98F1C
Analogue facsimile	$B_n=2M+2DK$, $M=N\div2$, $K=1.1$ (typically)	$N=1100$ elements/sec; $D=400$ Hz, Bandwidth: 1980 Hz = 1.98 kHz	1K98F3C

Description of emission	Necessary bandwidth		Designation of emission
	Formula	Sample calculation	
5. Composite Emissions (See Table III–B)			
Radio-relay system, frequency division multiplex.	$B_n = 2P + 2DK$, $K = 1$	Microwave radio relay system specifications: 60 telephone channels occupying baseband between 60 and 300 kHz; rms per-channel deviation 200 kHz; pilot at 331 kHz produces 200 kHz rms deviation of main carrier. Computation of B_n: $D = (200 \times 10^3 \quad 3 \times 3.76 \times 1.19)$, $\text{Hz} = 0.895 \times 10^6$, $P = 0.331 \times 10^6$ Hz; Bandwidth: 2.452×10^6 Hz	3M45F8E
Radio-relay system frequency division multiple.	$B_n = 2M + 2DK$, $K = 1$	Microwave radio relay relay systems specifications: 1200 telephone channels occupying baseband between 60 and 5564 kHz; rms per channel deviation 200 kHz; continunity pilot at 6199 kHz produces 140 kHz rms deviation of main carrier. Computation of B_n: $D = (20^{\circ} \times 10^{3}\ 3.76 \times 3.63) = 2.73 \times 10^6$; $M = 5.64 \times 10^6$ Hz; $P = 6.2 \times 10^6$ Hz; ($2M + 2DK < 2P$; Bandwidth 16.59×10^6 Hz	16M6F8E
Radio-relay system, frequency division multiplex.	$B_n = 2P$	Microwave radio relay system specifications: Multiplex 600 telephone channels occupying baseband between 60 and 2540 kHz; continuity pilot at 8500 kHz produces 140 kHz rms deviation of main carrier. Computation of Bn: $D = (200 \times 10^3 \times 3.76 \times 2.565) = 1.93 \times 10^6$ Hz; $M = 2.54 \times 10^6$ Hz; $2DK) \leq 2P$ Bandwidth: 17×10^6 Hz	17M0F8E
Unmodulated pulse emission.	$B_n = 2K - t$, K depends upon the ratio of pulse rise time. Its value usually falls between 1 and 10 and in many cases it does not need to exceed 6	Primary Radar Range resolution: 150 m, $K = 1.5$ (triangular pulse where $t = t_r$, only components down to 27 dB from the strongest are considered) Then $t = 2 \times$ range resolution − velocity of light $= 2 \times 150 - 3 \times 10^8 = 1 \times 10^{-6}$ seconds, Bandwidth: 3×10^6 Hz = 3 MHz	3M00P0N
6. Composite Emissions			
Radio-relay system	$B_n = 2K - t$, $K = 1.6$	Pulse position modulated by 36 voice channel baseband; pulse width at half amplitude = 0.4 us, Bandwidth: 8×10^6 Hz = 8 MHz (Bandwidth independent of the number of voice channels)	8M00M7E

[28 FR 12465, Nov. 22, 1963, as amended at 37 FR 8883, May 2, 1972; 37 FR 9996, May 18, 1972; 48 FR 16492, Apr. 18, 1983; 49 FR 48698, Dec. 14, 1984]

Subpart D—Call Signs and Other Forms of Identifying Radio Transmissions

AUTHORITY: Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.

§ 2.301 Station identification requirement.

Each station using radio frequencies shall identify its transmissions according to the procedures prescribed by the rules governing the class of station to which it belongs with a view to the elimination of harmful interference and the general enforcement of applicable radio treaties, conventions, regulations, arrangements, and agreements in force, and the enforcement of the Communications Act of 1934, as amended, and the Commission's rules.

[34 FR 5104, Mar. 12, 1969]

§ 2.302 Call signs.

The table which follows indicates the composition and blocks of international call signs available for assignment when such call signs are required by the rules pertaining to particular classes of stations. When stations operating in two or more classes are authorized to the same licensee for the same location, the Commission may elect to assign a separate call sign to each station in a different class. (In addition to the U.S. call sign allocations listed below, call sign blocks AAA through AEZ and ALA through ALZ have been assigned to the Department of the Army; call sign block AFA through AKZ has been assigned to the Department of the Air Force; and call sign block NAA through NZZ has been assigned jointly to the Department of the Navy and the U.S. Coast. Guard.

Class of station	Composition of call sign	Call sign blocks
Coast (Class I) except for coast telephone in Alaska	3 letters	KAA through KZZ. WAA through WZZ.
Coast (Classes II and III) and maritime radiodetermination.	3 letters, 3 digits	KAA200 through KZZ999. WAA200 through WZZ999.
Coast telephone in Alaska	3 letters, 2 digits	
	3 letters, 3 digits (for stations assigned frequencies above 30 MHz).	KAA20 through KZZ99. WAA20 through WZZ99. WZZ200 through WZZ999.
Fixed	3 letters, 2 digits	KAA20 through KZZ99.
	3 letters, 3 digits (for stations assigned frequencies above 30 MHz).	WAA20 through WZZ99. WAA200 through WZZ999.
Marine receiver test	3 letters, 3 digits (plus general geographic location when required).	KAA200 through KZZ999. WAA200 through WZZ999.
Ship telegraph	4 letters[1]	KAAA through KZZZ. WAAA through WZZZ
Ship telephone	2 letters, 4 digits, or 3 letters, 4 digits[1].	WA2000 through WZ9999, through WZZ9999.
Ship telegraph plus telephone	4 letters	KAAA through KZZZ. WAAA through WZZZ.
Ship radar	Same as ship telephone and/or telegraph call sign, or, if ship has no telephone or telegraph: 2 letters, 4 digits, or 3 letters, 4 digits.	WA2000 through WZ9999, through WZZ9999.
Ship survival craft	Call sign of the parent ship followed by 2 digits.	KAAA20 through KZZZ99. WAAA20 through WZZZ99
Cable-repair ship marker buoy	Call sign of the parent ship followed by the letters "BT" and the identifying number of the buoy.	
Marine utility	2 letters, 4 digits	KA2000 through KZ9999.
Shipyard mobile	2 letters, 4 digits	KA2000 through KZ9999.
Aircraft telegraph	5 letters	KAAAA through KZZZZ. WAAAA through WZZZZ.
Aircraft telegraph and telephone	5 letters[2]	KAAAA through KZZZZ. WAAAA through WZZZZ.
Aircraft telephone	5 letters[2] (whenever a call sign is assigned).	KAAAA through KZZZZ. WAAAA through WZZZZ.
Aircraft survival craft	Whenever a call sign[2] is assigned, call sign of the parent aircraft followed by a single digit other than 0 or 1.	
Aeronautical	3 letters, 1 digit[2]	KAA2 through KZZ9. WAA2 through WZZ9.
Land mobile (base)	3 letters, 3 digits	KAA200 through KZZ999. WAA200 through WZZ999
Land mobile (mobile telegraph)	4 letters, 1 digit	KAAA2 through KZZZ9. WAAA2 through WZZZ9.
Land mobile (mobile telephone)	2 letters, 4 digits	KA2000 through KZ9999. WA2000 through WZ9999
Broadcasting (standard)	4 letters[3] (plus location of station)	KAAA through KZZZ. WAAA through WZZZ.
Broadcasting (FM)	4 letters (plus location of station)	KAAA through KZZZ. WAAA through WZZZ.
Broadcasting with suffix "FM"	6 letters[3] (plus location of station)	KAAA–FM through KZZZ–FM. WAAA–FM through WZZZ–FM.
Broadcasting (television)	4 letters (plus location of station)	KAAA through KZZZ. WAAA through WZZZ.
Broadcasting with suffix "TV"	6 letters[3] (plus location of station)	KAAA-TV through KZZZ-TV. WAAA-TV through WZZ-TV.
Television broadcast translator	1 letter—output channel number—2 letters.	K02AA through K83ZZ. W02AA through W83ZZ.

Class of station	Composition of call sign	Call sign blocks
Disaster station, except U.S. Government	4 letters, 1 digit	KAAA2 through KZZZ9. WAAA2 through WZZZ9.
Experimental (letter "X" follows the digit)	2 letters, 1 digit, 3 letters	KA2XAA through KZ9XZZ. WA2XAA through WZ9XZZ.
Amateur (letter "X" may not follow digit)	1 letter, 1 digit, 1 letter[4]	K1A through K0Z. N1A through N0Z. W1A through W0Z.
Amateur	1 letter, 1 digit, 2 letters[4]	K1AA through K0ZZ. N1AA through N0ZZ. W1AA through W0ZZ.
Do	1 letter, 1 digit, 3 letters[4]	K1AAA through K0ZZZ. N1AAA through N0ZZZ. W1AAA through W0ZZZ.
Do	2 letters, 1 digit, 1 letter[4]	AA1A through AI0Z. KA1A through KZ0Z. NA1A through NZ0Z. WA1A through WZ0Z.
Do	2 letters, 1 digit, 2 letters[4]	AA1AA through AL0ZZ. KA1AA through KZ0ZZ. NA1AA through NZ0ZZ. WA1AA through WZ0ZZ.
Amateur (letter "X" may not follow digit)	2 letters, 1 digit, 3 letters[4]	AA1AAA through AL0ZZZ. KA1AAA through KZ0ZZZ. NA1AAA through NZ0ZZZ. WA1AAA through WZ0ZZZ.
Standard frequency		WWV, WWVB through WWVI, WWVL, WWVS.
Personal radio	3 letters, 4 digits, or 4 letters, 4 digits	KAA0001 through KZZ9999, WAA0001 through WPZ9999, KAAA0001 through KZZZ9999.
Personal radio, temporary permit	3 letters, 5 digits	KAA00000 through KZZ99999.
Personal radio in trust territories	1 letter, 4 digits	K0001 through K9999.
Business radio temporary permit	2 letters, 7 digits	WT plus local telephone number.
Part 90 temporary permit	2 letters, 7 digits	WT plus local telephone number.
Part 90 conditional permit	2 letters, 7 digits	WT plus local telephone number.
General Mobile Radio Service, temporary permit.	2 letters, 7 digits	WT plus business or residence telephone number.

NOTE: The symbol 0 indicates the digit zero.

[1] Ships with transmitter-equipped survival craft shall be assigned four letter call signs.

[2] See § 2.303.

[3] A 3 letter call sign now authorized for and in continuous use by a licensee of a standard broadcasting station may continue to be used by that station. The same exception applies also to frequency modulation and television broadcasting stations using 5 letter call signs consisting of 3 letters with the suffix "FM" or "TV".

[4] Plus other identifying data as may be specified.

[34 FR 5104, Mar. 12, 1969; as amended at 54 50239, Dec. 5, 1989]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 2.302, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 2.303 Other forms of identification of stations.

(a) The following table indicates forms of identification which may be used in lieu of call signs by the specified classes of stations. Such recognized means of identification may be one or more of the following: name of station, location of station, operating agency, official registration mark, flight identification number, selective call number or signal, selective call identification number or signal, characteristic signal, characteristic of emission or other clearly distinguishing form of identification readily recognized internationally. Reference should be made to the appropriate part of the rules for complete information on identification procedures for each service.

Class of station	*Identification, other than assigned call sign*
Aircraft (U.S. registry) telephone	Registration number preceded by the type of the aircraft, or the radiotelephony designator of the aircraft operating agency followed by the flight identification number.

Class of station	*Identification, other than assigned call sign*
Aircraft (foreign registry) telephone	Foreign registry identification consisting of five characters. This may be preceded by the radiotelephony designator of the aircraft operating agency or it may be preceded by the type of the aircraft.
Aeronautical	Name of the city, area, or airdrome served together with such additional identification as may be required.
Aircraft survival craft	Appropriate reference to parent aircraft, e.g., the air carrier parent aircraft flight number or identification, the aircraft registration number, the name of the aircraft manufacturer, the name of the aircraft owner, or any other pertinent information.
Ship telegraph	When an official call sign is not yet assigned: Complete name of the ship and name of licensee. On 156.65 MHz: Name of ship. Digital selective call.
Ship telegraph	Digital selective call.
Public coast (radiotelephone) and Limited Coast (Radiotelephone).	The approximate geographic location in a format approved by the Commission. Coast station identification number.
Public coast (radiotelegraph)	Coast station identification number.
Fixed	Geographic location. When an approved method of superimposed identification is used, QTT DE (abbreviated name of company or station).
Fixed: Rural subscriber service	Assigned telephone number.
Land mobile: Public safety, forestry conservation, highway maintenance, local government, shipyard, land transportation, and aviation services.	Name of station licensee (in abbreviated form if practicable), or location of station, or name of city, area, or facility served. Individual stations may be identified by additional digits following the more general identification.
Land mobile: Industrial service	Mobile unit cochannel with its base station: Unit identifier on file in the base station records. Mobile unit not cochannel with its base station: Unit identifier on file in the base station records and the assigned call sign of either the mobile or base station. Temporary base station: Unit designator in addition to base station identification.
Land mobile: Domestic public and rural radio	Special mobile unit designation assigned by licensee or by assigned telephone number.
Land mobile: Railroad radio service	Name of railroad, train number, caboose number, engine number, or name of fixed wayside station or such other number or name as may be specified for use of railroad employees to identify a specific fixed point or mobile unit. A railroad's abbreviated name or initial letters may be used where such are in general usage. Unit designators may be used in addition to the station identification to identify an individual unit or transmitter of a base station.
Land mobile: Broadcasting (remote pickup)	Identification of associated broadcasting station.
Broadcasting (Emergency Broadcast System)	State and operational area identification.
Broadcasting (aural STL and intercity relay)	Call sign of the broadcasting station with which it is associated.
Broadcasting (television auxiliary)	Call sign of the TV broadcasting station with which it is licensed as an auxiliary, or call sign of the TV broadcasting station whose signals are being relayed, or by network identification.
Broadcasting (television booster)	Retransmission of the call sign of the primary station.
Disaster station	By radiotelephony: Name, location, or other designation of station when same as that of an associated station in some other service. Two or more separate units of a station operated at different locations are seperately identified by the addition of a unit name, number, or other designation at the end of its authorized means of identification.

(b) Digital selective calls will be authorized by the Commission and will be formed by groups of numbers (0 through 9), however, the first digit must be other than 0, as follows:

(1) Coast station identification number: 4 digits.

(2) Ship station selective call number: 5 digits.

(3) Predetermined group of ship stations: 5 digits.

(c) Ship stations operating under a temporary operating authority shall identify by a call sign consisting of the letter "K" followed by the vessel's Federal or State registration number, or a call sign consisting of the letters "KUS" followed by the vessel's documentation number. However, if the vessel has no registration number or documentation number, the call sign shall consist of the name of the vessel and the name of the licensee as they appear on the station application form.

[28 FR 12465, Nov. 22, 1963, as amended at 40 FR 57675, Dec. 11, 1975; 41 FR 44042, Oct. 6, 1976; 42 FR 31008, June 17, 1977; 44 FR 62284, Oct. 30, 1979]

Subpart E—Distress, Disaster, and Emergency Communications

§ 2.401 Distress messages.

Each station licensee shall give absolute priority to radiocommunications or signals relating to ships or aircraft in distress; shall cease all sending on frequencies which will interfere with hearing a radiocommunication or signal of distress and except when engaged in answering or aiding the ship or aircraft in distress, shall refrain from sending any radiocommunications or signals until there is assurance that no interference will be caused with the radiocommunications or signals relating thereto; and shall assist the ship or aircraft in distress, so far as possible, by complying with its instructions.

§ 2.402 Control of distress traffic.

The control of distress traffic is the responsibility of the mobile station in distress or of the mobile station which, by the application of the provisions of § 2.403, has sent the distress call. These stations may, however, delegate the control of the distress traffic to another station.

§ 2.403 Retransmission of distress message.

Any station which becomes aware that a mobile station is in distress may transmit the distress message in the following cases:

(a) When the station in distress is not itself in a position to transmit the message.

(b) In the case of mobile stations, when the master or the person in charge of the ship, aircraft, or other vehicles carrying the station which intervenes believes that further help is necessary.

(c) In the case of other stations, when directed to do so by the station in control of distress traffic or when it has reason to believe that a distress call which it has intercepted has not been received by any station in a position to render aid.

§ 2.404 Resumption of operation after distress.

No station having been notified to cease operation shall resume operation on frequency or frequencies which may cause interference until notified by the station issuing the original notice that the station involved will not interfere with distress traffic as it is then being routed or until the receipt of a general notice that the need for handling distress traffic no longer exists.

§ 2.405 Operation during emergency.

The licensee of any station (except amateur, standard broadcast, FM broadcast, noncommercial educational FM broadcast, or television broadcast) may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization: *Provided:*

(a) That as soon as possible after the beginning of such emergency use, notice be sent to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and

(b) That the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and

(c) That the Commission at Washington, D.C., and the Engineer in Charge shall be notified immediately when such special use of the station is terminated: *Provided further,*

(d) That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law: *And provided further,*

(e) That any such emergency communication undertaken under this section shall terminate upon order of the Commission

NOTE: Part 73 of this chapter contains provisions governing emergency operation of standard, FM, noncommercial educational FM, and television broadcast stations. Part 97 of this chapter contains such provisions for amateur stations.

[28 FR 13785, Dec. 18, 1963]

§ 2.406 National defense; free service.

Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this rule, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

§ 2.407 National defense; emergency authorization.

The Federal Communications Commission may authorize the licensee of any radio station during a period of national emergency to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy, or Air Force.

Subparts F—G [Reserved]

Subpart H—Prohibition Against Eavesdropping

§ 2.701 Prohibition against use of a radio device for eavesdropping.

(a) No person shall use, either directly or indirectly, a device required to be licensed by section 301 of the Communications Act of 1934, as amended, for the purpose of overhearing or recording the private conversations of others unless such use is authorized by all of the parties engaging in the conversation.

(b) Paragraph (a) of this section shall not apply to operations of any law enforcement officers conducted under lawful authority.

[31 FR 3400, Mar. 4, 1966]

Subpart I—Marketing of Radiofrequency Devices

SOURCE: 35 FR 7898, May 22, 1970, unless otherwise noted.

§ 2.801 Radiofrequency device defined.

As used in this part, a radiofrequency device is any device which in its operation is capable of emitting radiofrequency energy by radiation, conduction, or other means. Radiofrequency devices include, but are not limited to:

(a) The various types of radio communication transmitting devices described throughout this chapter.

(b) The incidental, unintentional and intentional radiators defined in Part 15 of this chapter.

(c) The industrial, scientific, and medical equipment described in Part 18 of this chapter.

(d) Any part or component thereof which in use emits radiofrequency energy by radiation, conduction, or other means.

[35 FR 7898, May 22, 1970, as amended at 54 FR 17711, Apr. 25, 1989]

§ 2.803 Equipment requiring Commission approval.

In the case of a radio frequency device, which, in accordance with the rules in this chapter must be type approved, type accepted, certificated or notified prior to use, no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease) or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any such radio frequency device, unless, prior thereto, such devices shall have been type approved, type accepted, certificated or notified as the case may be: *Provided, however,* That the advertising or display of a device, which has not been granted type approval, type acceptance, certification or notification, will not be deemed to be an offer for sale if such advertising contains, and the display is accompanied by, conspicuous notice worded as follows:

> This device has not been approved by the Federal Communications Commission. This device is not, and may not be, offered for sale or lease, or sold or leased until the approval of the FCC has been obtained.

This provision does not apply to radio frequency devices that could not be granted an equipment authorization or be legally operated under our current rules. Such devices shall not be advertised or displayed or offered for sale or lease or sold or leased. *Provided further,* That any non-approved device displayed under the terms of the above provision may not be activated or operated.

[48 FR 3620, Jan. 26, 1983]

§ 2.805 Equipment that does not require Commission approval.

In the case of a radiofrequency device that, in accordance with the rules in this chapter, does not have to have a grant of equipment authorization issued by the Commission, e.g., a device subject to verification, but, nevertheless, must comply with specified technical standards prior to use, no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship or distribute for the purposes of selling or leasing or offering for sale or lease, any such radiofrequency device unless, prior thereto, such device complies with the applicable administrative and technical provisions (including verification of the equipment, where required) specified in the Commission's rules.

[54 FR 17711, Apr. 25, 1989]

§ 2.806 Exemption for a digital device.

(a) Notwithstanding the provisions in § 2.805, the announcement and offer for sale of a digital device, subject to verification under the provisions in Part 15 of this chapter, that is in the conceptual, developmental, design or preproduction stage is permitted prior to verification of compliance *Provided* the prospective buyer is advised in writing at the time of announcement or offer for sale that such equipment is subject to the FCC rules and that such equipment shall comply with the appropriate FCC rules before final delivery to the buyer or to centers of distribution.

(b) Parties responsible for verification of Class A digital devices, as defined in Part 15 of this chapter, shall have the option of ensuring compliance with the applicable technical specifications of this chapter at each end user's location after installation, provided that the purchase or lease agreement includes a proviso that such a determination of compliance be made and is the responsibility of the party responsible for verification of the equipment.

(c) A digital device subject to the provisions of this chapter may be operated prior to a determination of compliance under the following conditions:

(1) Any digital device may be operated for the purpose of compliance testing.

(2) Any digital device may be operated for the purpose of demonstration at a trade show provided there is displayed a conspicuous notice that the device has not been tested for compliance. If a digital device subject to verification is offered for sale or lease at the show, the provisions of § 2.806(a) shall apply. A digital device subject to a grant of equipment authorization from the Commission may not be offered for sale or lease prior to issuance of the grant of authorization by the FCC, but may be advertised or displayed as provided by § 2.803.

(3) Any digital device may be operated at the manufacturer's facilities during developmental, design or preproduction states for evaluation of product performance and determination of customer acceptability.

(4) Where customer acceptability of a Class A digital device cannot be determined at the manufacturer's facilities because of size or unique capability of the device, that device may be operated at the user's site during development, design or preproduction stages for evaluation of product per-

formance and determination of customer acceptability.

(5) For the purpose of paragraphs (c)(3) and (c)(4) of this section, the manufacturer's facilities are considered to include the facilities of the party responsible for compliance with the regulations, the manufacturer, and other entities working under the authorization of the responsible party in connection with the development and manufacture, but not marketing, of the equipment.

[54 FR 17712, Apr. 25, 1989]

§ 2.807 Statutory exceptions.

As provided by section 302(c) of the Communications Act of 1934, as amended §§ 2.803 and 2.805 shall not be applicable to:

(a) Carriers transporting radiofrequency devices without trading in them.

(b) Radiofrequency devices manufactured solely for export.

(c) The manufacture, assembly, or installation of radiofrequency devices for its own use by a public utility engaged in providing electric service: *Provided, however*, That no such device shall be operated if it causes harmful interference to radio communications.

(d) Radiofrequency devices for use by the Government of the United States or any agency thereof: *Provided, however*, That this exception shall not be applicable to any device after it has been disposed of by such Government or agency.

§ 2.809 Exemption for ISM equipment.

(a) The announcement and offer for sale of ISM equipment which is subject to the provisions of Part 18 of this chapter, and which is in the conceptual developmental, design or pre-production stage is permitted prior to determination of compliance, provided the prospective buyer is advised in writing at the time of the announcement or offer for sale that said equipment is subject to FCC Rules and that said equipment shall comply with the appropriate FCC Rules prior to final delivery to the buyer or to the distribution centers.

(b) Manufacturers of nonconsumer ISM equipment shall have the option of insuring compliance with applicable technical specifications of this chapter at each end user's location after installation, provided the purchase or lease agreement includes a proviso that such a determination of compliance be made and is the responsibility of the manufacturer of the equipment.

(c) ISM equipment subject to the provisions of this chapter may be operated prior to determination of compliance and, when appropriate, obtaining authorization from the Commission under the following circumstances:

(1) While testing for purposes of determining equipment compliance.

(2) When demonstrating equipment at trade shows, provided a conspicuous notice is displayed to specify that the device has not been tested for compliance or approved by the Commission. If the device is offered for sale or lease, the provisions of § 2.809(a) shall apply.

(3) While testing at customer's premises to determine equipment acceptability.

[50 FR 36067, Sept. 5, 1985]

§ 2.811 Transmitters operated under Part 73.

Sections 2.803 and 2.805 shall not be applicable to a transmitter operated in any of the Radio Broadcast Services regulated under Part 73 of this chapter, provided the conditions set out in Part 73 of this chapter for the acceptability of such transmitter for use under licensing are met.

§ 2.813 Transmitters operated in the Instructional Television Fixed Service.

Sections 2.803 and 2.805 shall not be applicable to a transmitter operated in the Instructional Television Fixed Service regulated under Part 74 of this chapter provided the conditions in § 74.952 of this chapter for the acceptability of such transmitter for licensing are met.

§ 2.815 External radio frequency power amplifiers.

(a) As used in this part, an external radio frequency power amplifier is any device which, (1) when used in conjunction with a radio transmitter as a signal source is capable of amplification of that signal, and (2) is not an integral part of a radio transmitter as manufactured.

(b) After April 27, 1978, no person shall manufacture, sell or lease, offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any external radio frequency power amplifier or amplifier kit capable of operation on any frequency or frequencies between 24 and 35 MHz.

NOTE: For purposes of this part, the amplifier will be deemed incapable of operation between 24 and 35 MHz if:

(1) The amplifier has no more than 6 decibels of gain between 24 and 26 MHz and between 28 and 35 MHz. (This gain is determined by the ratio of the input RF driving signal (mean power measurement) to the mean RF output power of the amplifier.); and

(2) The amplifier exhibits no amplification (0 decibels of gain) between 26 and 28 MHz.

(c) No person shall manufacture, sell or lease, offer for sale or lease (including advertising for sale or lease) or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any external radio frequency power amplifier or amplifier kit capable of operation on any frequency or frequencies below 144 MHz unless the amplifier has received a grant of type acceptance in accordance with Subpart J of this part and Subpart C of Part 97 or other relevant parts of this chapter. No more than 10 external radio frequency power amplifiers or amplifier kits may be constructed for evaluation purposes in preparation for the submission of an application for a grant of type acceptance.

NOTE: For the purposes of this part, an amplifier will be deemed incapable of operation below 144 MHz if the amplifier is not capable of being easily modified to increase its amplification characteristics below 120 MHz, and either:

(1) The mean output power of the amplifier decreases, as frequency decreases from 144 MHz, to a point where 0 decibels or less gain is exhibited at 120 MHz and below 120 MHz; or

(2) The amplifier is not capable of even short periods of operation below 120 MHz without sustaining permanent damage to its amplification circuitry.

(d) The proscription in paragraph (b) of this section shall not apply to the marketing, as defined in that paragraph, by a licensed amateur radio operator to another licensed amateur radio operator of an external radio frequency power amplifier fabricated in not more than one unit of the same model in a calendar year by that operator provided the amplifier is for the amateur operator's personal use at his licensed amateur radio station and the requirements of §§ 97.75 and 97.76 of this chapter are met.

(e) The proscription in paragraph (c) of this section shall not apply in the marketing, as defined in that paragraph, by a licensed amateur radio operator to another licensed amateur radio operator of an external radio frequency power amplifier if the amplifier is for the amateur radio operator's personal use at his licensed amateur radio station and the requirements or §§ 97.75 and 97.76 of this chapter are met.

[40 FR 1246, Jan. 7, 1975; 40 FR 6474, Feb. 12, 1975, as amended at 43 FR 12687, Mar. 27, 1978; 43 FR 33725, Aug. 1, 1978; 46 FR 18981, Mar. 27, 1981]

Subpart J—Equipment Authorization Procedures

SOURCE: 39 FR 5919, Feb. 15, 1974, unless otherwise noted.

GENERAL PROVISIONS

§ 2.901 Basis and purpose.

(a) In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, and in order to promote efficient use of the radio spectrum, the Commission has developed technical standards for radio frequency equipment and parts or components thereof. The technical standards applicable to individual types of equipment are found in that part of the rules governing the service wherein the equipment is to be operated. In addition to the technical standards provided, the rules governing the service may require that such equipment be verified by the manufacturer or importer, or that such equipment receive an equipment authorization from the Commission by one of the following procedures: type approval, type acceptance, certification, registration or notification.

(b) The following sections describe the verification procedure and the procedures to be followed in obtaining type approval, type acceptance, certification or notification from the Commission and the conditions attendant to such a grant.

[48 FR 3620, Jan. 26, 1983]

§ 2.902 Verification.

(a) Verification is a procedure where the manufacturer makes measurements or takes the necessary steps to insure that the equipment complies with the appropriate technical standards. Submittal of a sample unit or representative data to the Commission demonstrating compliance is not required unless specifically requested by the Commission pursuant to § 2.957, of this part.

(b) Verification attaches to all items subsequently marketed by the manufacturer or importer which are identical as defined in § 2.908 to the sample tested and found acceptable by the manufacturer.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 23249, Apr. 24, 1981]

§ 2.903 Type approval.

(a) Type approval is an equipment authorization issued by the Commission based on examination and measurement of one or more sample units by the Commission at its laboratory.

(b) Type approval attaches to all units subsequently marketed by the grantee which are identical (See § 2.908) in all respects to the sample tested by the Commission or include only changes authorized by the Commission pursuant to § 2.967.

[39 FR 5919, Feb. 15, 1974; 39 FR 8617, Mar. 6, 1974, as amended at 39 FR 27802, Aug. 1, 1974]

§ 2.904 Notification.

(a) Notification is an equipment authorization issued by the Commission whereby the applicant makes measurements to determine that the equipment complies with the appropriate technical standards and reports that such measurements have been made and demonstrate the necessary compliance. Submittal of a sample unit or representative data to the Commission demonstrating compliance is not required unless specifically requested by the Commission pursuant to §§ 2.936, 2.943 or 2.945.

(b) Notification attaches to all items subsequently marketed by the grantee which are identical, as defined in § 2.908, to the sample(s) tested and found acceptable by the grantee.

(c) Permissive changes or other variations authorized by the Commission to equipment under the notification procedure shall be made in accordance with the restrictions contained in § 2.977.

(d) For equipment which requires a grant of notification, authorization under type acceptance, type approval, or certification shall be deemed to constitute authorization of the equipment under notification.

[48 FR 3621, Jan. 26, 1983, as amended at 49 FR 3996, Feb. 1, 1984]

§ 2.905 Type acceptance.

(a) Type acceptance is an equipment authorization issued by the Commission for equipment to be used pursuant to a station authorization. Type acceptance is based on representations and test data submitted by the applicant.

(b) Type acceptance attaches to all units subsequently marketed by the grantee which are identical (See § 2.908) to the sample tested except for permissive changes or other variations authorized by the Commission pursuant to § 2.1001.

[39 FR 5919, Feb. 15, 1974; 39 FR 8617, Mar. 6, 1974, as amended at 39 FR 27802, Aug. 1, 1974]

§ 2.907 Certification.

(a) Certification is an equipment authorization issued by the Commission for equipment designed to be operated without individual license under Parts 15 and 18 of its rules, based on representations and test data submitted by the applicant.

(b) Certification attaches to all units subsequently marketed by the grantee which are identical (see § 2.908) to the sample tested except for permissive changes or other variations authorized by the Commission pursuant to § 2.1043.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27802, Aug. 1, 1974]

§ 2.908 Identical defined.

As used in this subpart, the term identical means identical within the variation that can be expected to arise as a result of quantity production techniques.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 23249, Apr. 24, 1981]

§ 2.909 Responsible party.

The following parties are responsible for the compliance of radiofrequency equipment with the applicable technical standards after a grant of equipment authorization is issued by the Commission or the equipment is verified:

(a) In the case of equipment which requires the issuance by the Commission of a grant of equipment authorization, the party to whom that grant of authorization is issued (the grantee).

(b) In the case of equipment subject to authorization under the verification procedure, the manufacturer or, in the case of imported equipment, the importer.

[54 FR 17712, Apr. 25, 1989]

APPLICATION PROCEDURES FOR EQUIPMENT AUTHORIZATIONS

§ 2.911 Written application required.

(a) An application for equipment authorization shall be filed on a form prescribed by the Commission.

(b) Each application shall be accompanied by all information required by this subpart and by those parts of the rules governing operation of the equipment, and by requisite test data, diagrams, etc., as specified in this subpart and in those sections of rules whereunder the equipment is to be operated.

(c) Each application including amendments thereto, and related statements of fact required by the Commission, shall be personally signed by the applicant if the applicant is an individual; by one of the partners if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association: *Provided, however,* That the application may be signed by the applicant's authorized representative who shall indicate his title, such as plant manager, project engineer, etc.

(d) Technical test data shall be signed by the person who performed or supervised the tests. The person signing the test data shall attest to the accuracy of such data. The Commission may require such person to submit a statement showing that he is qualified to make or supervise the required measurements.

(e) The signatures of the applicant and the person certifying the test data shall be made personally by those persons on the original application; copies of such documents may be conformed. Signatures and certifications need not be made under oath.

(f) Each application shall be accompanied by the processing fee prescribed in Subpart G of Part 1 of this chapter.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27802, Aug. 1, 1974; 52 FR 5294, Feb. 20, 1987. Redesignated at 54 FR 17712, Apr. 25, 1989]

§ 2.913 Submittal of equipment authorization application or information to the Commission.

(a) Applications and Fees for equipment authorization shall be submitted to the FCC, 1919 M Street North West, Washington DC 20554-1300, unless otherwise directed.

(b) Any information or equipment samples requested by the commission pursuant to the provisions of Subpart J of this Part shall, unless otherwise directed, be submitted to the FCC, Autorization and Evaluation Division, 7434 Oakland Mills Road, Columbia, MD 21046.

[54 FR 1698, Jan. 17, 1989. Redesignated at 54 FR 17712, Apr. 25, 1989]

§ 2.915 Grant of application.

(a) The Commission will grant an application for type approval, type acceptance, certification or notification if it finds from an examination of the application and supporting data, or other matter which it may officially notice, that:

(1) The equipment is capable of complying with pertinent technical standards of the rule part(s) under which it is to be operated; and,

(2) A grant of the application would serve the public interest, convenience and necessity.

(b) Grants will be made in writing showing the effective date of the grant and any special condition(s) attaching to the grant.

(c) Neither type approval, type acceptance, certification or notification shall attach to any equipment, nor shall any equipment authorization be deemed effective, until the application has been granted.

[39 FR 5919, Feb. 15, 1974, as amended at 48 FR 3621, Jan. 26, 1983]

§ 2.917 Dismissal of application.

(a) An application which is not in accordance with the provisions of this Subpart may be dismissed.

(b) Any application, upon written request signed by the applicant or his attorney, may be dismissed prior to a determination granting or denying the authorization requested.

(c) If an applicant is requested by the Commission to file additional documents or information and fails to submit the requested material within 60 days, the application may be dismissed.

(d) An application for type approval which has been accepted by the Commission in which the equipment required to be tested is not received by the Commission's Laboratory within six months following the date of the application, may be dismissed.

§ 2.919 Denial of application.

If the Commission is unable to make the findings specified in § 2.915(a), it will deny the application. Notification to the applicant will include a statement of the reasons for the denial.

§ 2.921 Hearing on application.

Whenever it is determined that an application for equipment authorization presents substantial factual questions relating to the qualifications of the applicant or the equipment (or the effects of the use thereof), the Commission may designate the application for hearing. A hearing on an application for an equipment authorization shall be conducted in the same manner as a hearing on a radio station application as set out in Subpart B of Part 1 of this chapter.

§ 2.923 Petition for reconsideration; application for review.

Persons aggrieved by virtue of an equipment authorization action may file with the Commission a petition for reconsideration or an application for review. Rules governing the filing of petitions for reconsideration and applications for review are set forth in §§ 1.106 and 1.115, respectively, of this chapter.

§ 2.924 Marketing of electrically identical equipment having multiple trade names and models or type numbers under the same FCC Identifier.

The grantee of an equipment authorization may market devices having different model/type numbers, or trade names without additional authorization provided such devices are electrically identical and the equipment bears an FCC Identifier validated by a grant of equipment authorization.

[54 FR 1698, Jan. 17, 1989]

§ 2.925 Identification of equipment.

(a) Each equipment covered in an application for equipment authorization shall bear a nameplate or label listing the following:

(1) FCC Identifier consisting of the two elements in the exact order specified in § 2.926. The FCC Identifier

shall be preceded by the term "FCC ID" in capital letters on a single line, and shall be of a type size large enough to be legible without the aid of magnification.

EXAMPLE: FCC ID XXX123. XXX—Grantee Code 123—Equipment Product Code

(2) Any other statements or labeling requirements imposed by the rules governing the operation of the specific class of equipment, except that such statement(s) of compliance may appear on a separate label at the option of the applicant/grantee.

(3) Equipment subject only to registration will be identified pursuant to Part 68 of this chapter.

(b) Any device subject to more than one equipment authorization procedure may be assigned a single FCC Identifier. However, a single FCC Identifier is required to be assigned to any device consisting of two or more sections assembled in a common enclosure, on a common chassis or circuit board, and with common frequency controlling circuits. Devices to which a single FCC Identifier has been assigned shall be identified pursuant to paragraph (a) of this section.

(1) Separate FCC Identifiers may be assigned to a device consisting of two or more sections assembled in a common enclosure, but constructed on separate sub-units or circuit boards with independent frequency controlling circuits. The FCC Identifier assigned to any transmitter section shall be preceded by the term "TX FCC ID", the FCC Identifier assigned to any receiver section shall be preceded by the term "RX FCC ID" and the identifier assigned to any remaining section(s) shall be preceded by the term "FCC ID".

(2) Where telephone equipment subject to Part 68 of this chapter, and a radiofrequency device subject to equipment authorization requirements are assembled in a common enclosure, the nameplate/label shall display the FCC Registration Number in the format specified in Part 68 and the FCC Identifier in the format specified in paragraph (a) of this section.

(3) Applications filed on or after May 1, 1981, and applications filed earlier requesting equipment authorization using the single system of identification pursuant to section (a)(1) will receive a review of the identification portion by the Commission's Laboratory with respect to nameplate/label design within 30 days after receipt at the Laboratory. Failure by the Laboratory to reject a nameplate design proposed in any particular application within this time period will constitute de-facto acceptance of the nameplate/label design for that particular equipment. Such de facto acceptance will be limited to the equipment covered by the particular application and will not be considered to establish a precedent for other applications. This review deadline applies only to the proposed nameplate/label design, not to the remainder of the application.

(4) For a transceiver, the receiver portion of which is subject to verification pursuant to § 15.69(c) of this chapter, the FCC Identifier required for the transmitter portion shall be preceded by the term "FCC ID:".

(c) [Reserved]

(d) The nameplate or label shall be permanently affixed to the equipment and shall be readily visible to the purchaser at the time of purchase.

(1) As used here, "permanently affixed" means that the required nameplate data is etched, engraved, stamped, indelibly printed, or otherwise permanently marked on a permanently attached part of the equipment enclosure. Alternatively, the required information may be permanently marked on a nameplate of metal, plastic, or other material fastened to the equipment enclosure by welding, riveting, etc., or with a permanent adhesive. Such a nameplate must be able to last the expected lifetime of the equipment in the environment in which the equipment will be operated and must not be readily detachable.

(2) As used here, "readily visible" means that the nameplate or nameplate data must be visible from the outside of the equipment enclosure. It is preferable that it be visible at all times during normal installation or use, but this is not a prerequisite for grant of equipment authorization.

(e) Where it is shown that a permanently affixed nameplate is not desirable or is not feasible, an alternative method of positively identifying the equipment may be used if approved by the Commission. The proposed alternative method of identification and the justification for its use must be included with the application for equipment authorization.

NOTE: As an example, a device intended to be implanted within the body of a test animal or person would probably require an alternate method of identification.

(f) The term: "FCC ID:" and the coded identification assigned by the Commission shall be in a size of type large enough to be readily legible, consistent with the dimensions of the equipment and its nameplate. However, the type size for the FCC Identifier is not required to be larger than eight-point.

(g) Unless assigned an FCC Identifier pursuant to § 2.925 (a) and (a)(1), each equipment for which an equipment authorization application is filed before May 1, 1981, shall be uniquely identified with a name and type or model number inscribed on a nameplate or label. The detailed information to be inscribed on the nameplate or label is set out in the rules for the particular form of equipment authorization required, and for some kinds of equipments, in the rules governing the specific category of devices. The type or model number required for equipment subject to this paragraph shall comply with the following requirements:

(1) The type or model number shall consist of a series of Arabic numerals or capital letters or a combination thereof, and may include punctuation marks and spaces. The total of Arabic numerals, capital letters, punctuation marks and spaces in any assigned type or model number shall not exceed 17;

(2) The type or model number will be specified in the grant of equipment authorization and will be identical to that assigned by the manufacturer or applicant and given in the application for equipment authorization;

(3) The type or model number shall be one which has not been used previously in conjunction with the same name that will be on the equipment.

[44 FR 17177, Mar. 21, 1979, as amended at 44 FR 55574, Sept. 27, 1979; 46 FR 21013, Apr. 8, 1981; 52 FR 21687, June 9, 1987; 54 FR 1698, Jan. 17, 1989]

§ 2.926 FCC identifier.

(a) A grant of equipment authorization issued by the Commission will list the validated FCC Identifier consisting of the grantee code assigned by the FCC pursuant to paragraph (b) of this section, and the equipment product code assigned by the grantee pursuant to paragraph (c) of this section. See § 2.925.

(b) The grantee code assigned pursuant to paragraph (c) of this section is assigned permanently to applicants/grantees and is valid only for the party specified as the applicant/grantee in the code assignment(s).

(c) A grantee code will have three characters consisting of Arabic numerals, capital letters, or combination thereof. A prospective grantee or his authorized representative may submit a written request to the Commission for assignment of a grantee code at any time. However, it is preferred that grantee codes be requested prior to filing applications for equipment authorization. If a grantee code is not requested in advance, one will be assigned at the time an application is received by the FCC Laboratory and the applicant will be notified to make any necessary label revisions in order to comply fully with application procedural rules.

(1) After assignment of a grantee code each grantee will continue to use the same grantee code for subsequent equipment authorization applications.

In the event the grantee name is changed or ownership is transferred, the circumstances shall be reported to the Commission so that a new grantee code can be assigned, if appropriate. See §§ 2.934 and 2.935 for additional information.

(d) The equipment product code assigned by the grantee shall consist of a series of Arabic numerals, capital letters or a combination thereof, and may include the dash or hyphen (-). The total of Arabic numerals, capital letters and dashes or hyphens shall not exceed 14 and shall be one which has not been previously used in conjunction with:

(1) The same grantee code, or

(2) An application denied pursuant to § 2.919 of this chapter.

(e) No FCC Identifier may be used on equipment to be marketed unless that specific identifier has been validated by a grant of equipment authorization issued by the Commission. This shall not prohibit placement of an FCC identifier on a transceiver which includes a verified receiver subject to § 15.69, provided that the transmitter portion of such transceiver is covered by a valid grant of type acceptance or certification. The FCC Identifier is uniquely assigned to the grantee and may not be placed on the equipment without authorization by the grantee. See § 2.803 for conditions applicable to the display at trade shows of equipment which has not been granted equipment authorization where such grant is required prior to marketing. Labelling of such equipment may include model or type numbers, but shall not include a purported FCC Identifier.

[44 FR 17179, Mar. 21, 1979, as amended at 46 FR 21014, Apr. 8, 1981; 52 FR 21687, June 9, 1987; 54 FR 1698, Jan. 17, 1989]

CONDITIONS ATTENDANT TO A GRANT OF AN EQUIPMENT AUTHORIZATION

§ 2.927 Limitations on grants.

(a) A grant of an equipment authorization is effective until revoked or withdrawn, rescinded, surrendered, or a termination date is otherwise established by the Commission.

(b) A grant of an equipment authorization signifies that the Commission has determined that the equipment has been shown to be capable of compliance with the applicable technical standards if no unauthorized change is made in the equipment and if the equipment is properly maintained and operated. The issuance of an equipment authorization should not be construed as a finding by the Commission with respect to matters not encompassed by the Commission's rules.

(c) No person shall, in any advertising matter, brochure, etc., use or make reference to an equipment authorization in a deceptive or misleading manner or convey the impression that such equipment authorization reflects more than a Commission determination that the device or product has been shown to be capable of compliance with the applicable technical standards of the Commission's rules.

(d) The issuance of an equipment authorization for a wireless microphone reflects no more than a Commission determination that the device has been shown to be capable of compliance with the applicable technical standards of the Commission's Rules, and should not be construed as a finding by the Commission as to matters not encompassed by the rules, especially with respect to compliance with 18 U.S.C. 2512.

[39 FR 5919, Feb. 15, 1974, as amended at 44 FR 29066, May 18, 1979]

§ 2.929 Nonassignability of an equipment authorization.

(a) An equipment authorization issued by the Commission may not be assigned, exchanged or in any other way transferred to a second party.

(b) The grantee of an equipment authorization may license or otherwise authorize a second party to manufacture or market the equipment covered by the grant of the equipment authorization provided:

(1) The equipment manufactured by such second party bears the identical name and number as is set out in the grant of the equipment authorization.

NOTE: Any change in the name or number desired as a result of such production or marketing agreement will require the filing of a new application for an equipment authorization as specified in § 2.933.

(2) The grantee of the equipment authorization shall continue to be responsible to the Commission for the equipment produced pursuant to such an agreement.

[39 FR 5919, Feb. 15, 1974, as amended at 54 FR 1699, Jan. 17, 1989]

§ 2.931 Responsibility of the grantee.

In accepting a grant of an equipment authorization the grantee warrants that each unit of equipment marketed under such grant and bearing the identification specified in the grant will conform to the unit that was measured and that the data (design and rated operational characteristics) determined by the grantee for notification, filed with the application for type acceptance or certification, or measured by the Commission in the case of type approved equipment, continues to be representative of the equipment being produced under such grant within the variation that can be expected due to quantity production and testing on a statistical basis.

[48 FR 3621, Jan. 26, 1983]

§ 2.932 Modification of equipment.

(a) A new application for an equipment authorization shall be filed whenever there is a change in the design, circuitry or construction of an equipment or device for which an equipment authorization has been issued, except as provided in paragraphs (b), (c), (d) and (e) of this section.

(b) Permissive changes may be made in a type accepted equipment pursuant to § 2.1001.

(c) Permissive changes may be made in a certificated equipment pursuant to § 2.1043.

(d) For changes in type approved equipment the procedure in § 2.967 shall apply.

(e) Permissive changes may be made in notified equipment pursuant to § 2.977.

[39 FR 5919, Feb. 15, 1974, as amended at 48 FR 3621, Jan. 26, 1983]

§ 2.933 Change in identification of equipment.

(a) A new application for equipment authorization shall be filed whenever there is a change in the identification of the equipment with or without a change in design, circuitry or construction. However, for electrically identical equipment, a change in type or model number will not be considered to by a change in identification, and will not require a new application for equipment authorization.

(b) An application filed pursuant to paragraph (a) of this section where no change in design, circuitry or construction is involved, need not be accompanied by a resubmission of equipment or measurement or test data customarily required with a new application, unless specifically requested by the Commission. In lieu thereof, the applicant shall attach a statement setting out:

(1) The original identification used on the equipment prior to the change in identification.

(2) The date of the original grant of the equipment authorization.

(3) The original type approval number assigned by the Commission, if one was assigned.

(4) How the equipment bearing the modified identification differs from the original equipment.

(5) Whether the data previously filed with the Commission (or measured by the Commission in the case of type approved equipment or measured by the applicant in the case of notified equipment) continues to be representative of and applicable to the equipment bearing the changed identification.

(6) In the case of type accepted equipment, the photographs required by § 2.983(f).

(7) In the case of certificated equipment, the photographs required by § 2.1033(c).

(c) If the change in identification also involves a change in design or circuitry which falls outside the purview of a permissive change described in §§ 2.977, 2.1001 or 2.1043, a complete application shall be filed pursuant to § 2.909.

[39 FR 5919, Feb. 15, 1974, as amended at 48 FR 3621, Jan. 26, 1983; 51 FR 39535, Oct. 29, 1986]

§ 2.934 Change in name and/or address of grantee.

Whenever there is a change in the name and/or address of the grantee of an equipment authorization, written notice of such change(s) shall be filed within 30 days after the grantee starts using the new name and/or address, in order for the Commission to update its records of grantee names, addresses and grantee codes. See § 2.910(b).

[54 FR 1699, Jan. 17, 1989]

§ 2.935 Change in control of grantee.

In the case of a transfer of control of the grantee of an equipment authorization, as in the case of sale or merger of the grantee, notice of such transfer must be received by the Commission not later than 60 days subsequent to the consummation of the agreement effecting the transfer of control. Depending on the circumstances in each case, the Commission may require new applications for equipment authorization for each device or equipment held by the predecessor in interest, production of which will be continued by the acquiring party.

§ 2.936 FCC inspection.

Each grantee of an equipment authorization shall upon reasonable request, submit the following to the Commission or shall make the following available for inspection:

(a) The device or equipment covered by the grant of equipment authorization.

(b) The record of design drawings and specifications required by § 2.938(a).

(c) The record of the procedures used for production inspection and testing required by § 2.938(a)(2).

(d) The manufacturing plant and facilities.

[39 FR 5919, Feb. 15, 1974, as amended at 51 FR 39535, Oct. 29, 1986]

§ 2.937 Equipment defect and/or design change.

When a complaint is filed with the Commission concerning the failure of equipment marketed under an equipment authorization to comply with pertinent requirements of the Commission's rules, and the Commission determines that the complaint is justified and arises out of an equipment fault attributable to the grantee, the Commission may require the grantee to investigate such complaint and report the results of such investigation to the Commission. The report shall also indicate what action if any has been taken or is proposed to be taken by the grantee to correct the defect, both in terms of future production and with reference to articles in the possession of users, sellers and distributors.

§ 2.938 Retention of records.

(a) For each equipment for which an equipment authorization has been issued, the grantee shall maintain the records listed below:

(1) A record of the original design drawings and specifications and all changes that have been made that may affect compliance with the requirements of § 2.931.

(2) A record of the procedures used for production inspection and testing to insure the conformance required by § 2.931.

(3) For equipment covered under the notification procedure, a record of the test results that demonstrate compliance with the appropriate regulations.

(b) The provisions of paragraph (a) of this section shall also apply to a manufacturer of equipment produced under an FCC equipment authorization pursuant to a license, purchase or other contractural agreements between said manufacturer and the grantee of the equipment authorization. Retention of records by said manufacturer in these circumstances shall satisfy the grantee's responsibility under paragraph (a) of this section.

(c) The records listed in paragraph (a) of this section shall be retained for one year after the manufacture of said equipment item has been permanently discontinued, or until the conclusion of an investigation or a proceeding if the grantee (or under paragraph (b) of this section the manufacturer) is officially notified that an investigation or any other administrative proceeding involving his equipment has been instituted.

(d) The records required to be retained by paragraph (a) of this section shall apply only to equipment for which the equipment authorization was issued on or after September 1, 1974 or for which the license, purchase or other contractual agreement in paragraph (b) of this section was signed on or after September 1, 1974.

[39 FR 27802, Aug. 1, 1974, as amended at 48 FR 3621, Jan. 26, 1983]

§ 2.939 Revocation or withdrawal of equipment authorization.

(a) The Commission may revoke any equipment authorization:

(1) For false statements or representations made either in the application or in materials or response submitted

in connection therewith or in records required to be kept by § 2.938.

(2) If upon subsequent inspection or operation it is determined that the equipment does not conform to the pertinent technical requirements or to the representations made in the original application.

(3) If it is determined that changes have been made in the equipment other than those authorized by the rules or otherwise expressly authorized by the Commission.

(4) Because of conditions coming to the attention of the Commission which would warrant it in refusing to grant an original application.

(b) Revocation of an equipment authorization shall be made in the same manner as revocation of radio station licenses.

(c) The Commission may withdraw any equipment authorization in the event of changes in its technical standards. The procedure to be followed will be set forth in the order promulgating such new technical standards (after appropriate rulemaking proceedings) and will provide a suitable amortization period for equipment in hands of users and in the manufacturing process.

[39 FR 5919, Feb. 15, 1974, as amended at 51 FR 39535, Oct. 29, 1986]

§ 2.941 Availability of information relating to grants.

(a) Grants of equipment authorization, other than for receivers and equipment authorized for use under Part 15 or 18 of this chapter, will be publicly announced in a timely manner by the Commission. Information about a receiver authorization or about the authorization of a specific model of equipment under Parts 15 or 18 of this chapter may be obtained by contacting the Commission's Office of Engineering and Technology.

(b) Information relating to equipment authorizations such as data submitted by the applicant in connection with an authorization application, laboratory tests of the device, etc., shall be available in accordance with § 0.457 of this chapter.

[39 FR 5919, Feb. 15, 1974, as amended at 48 FR 3621, Jan. 26, 1983; 51 FR 12616, Apr. 14, 1986]

§ 2.943 Submission of equipment for testing.

(a) The Commission may require an applicant for type acceptance, certification or notification to submit one or more sample units for measurement at the Commission's laboratory.

(b) In the event the applicant believes that shipment of the sample to the Commission's laboratory is impractical because of the size or weight of the equipment, or the power requirement, or for any other reason, the applicant may submit a written explanation why such shipment is impractical and should not be required.

[39 FR 5919, Feb. 15, 1974, as amended at 48 FR 3621, Jan. 26, 1983]

§ 2.945 Sampling tests of equipment compliance.

The Commission will, from time to time, request the grantee to submit various equipment(s) for which an equipment authorization(s) has been granted, to determine the extent to which subsequent production of such equipment continues to comply with the data filed by the applicant (or measured by the Commission in the case of type approved equipment). Shipping costs to the Commission's laboratory and return shall be borne by the grantee.

[39 FR 27802, Aug. 1, 1974]

§ 2.946 Penalty for failure to provide test samples and data.

(a) Any party holding a grant of equipment authorization issued by the Commission, or who markets equipment subject to the provisions of this chapter shall provide test sample(s) or data upon request by the Commission. Failure to comply with such request within 60 days may be cause for forfeiture, pursuant to § 1.80 of Part 1 of this chapter, or other administrative sanctions such as suspending action on any applications for equipment authorization submitted by such party while the matter is being resolved.

(b) In the case of equipment involving harmful interference or safety of life or property, the Commission may specify that test samples be submitted within less than 60 days, but not less than 14 days. Failure to comply within the specified time period will be subject to the sanctions specified in paragraph (a).

(c) The Commission may consider extensions of time upon submission of a showing of good cause.

[54 FR 1699, Jan. 17, 1989]

§ 2.947 Measurement procedure.

(a) The Commission will accept data which have been measured in accordance with the following standards or measurement procedures:

(1) Those set forth in bulletins or reports prepared by the Commission's Office of Engineering and Technology. These will be issued as required, and specified in the particular part of the rules where applicable.

(2) Those acceptable to the Commission and published by national engineering societies such as the Electronic Industries Association, the Institute of Electrical and Electronic Engineers, Inc., and the American National Standards Institute.

(3) Any measurement procedure acceptable to the Commission may be used to prepare data demonstrating compliance with the requirements of this chapter.

(b) Information submitted pursuant to paragraph (a) of this section shall completely identify the specific standard or measurement procedure used.

(c) In the case of equipment requiring measurement procedures not specified in the references set forth in paragraphs (a) (1) and (2) of this section, the applicant shall submit a detailed description of the measurement procedures actually used.

(d) A listing of the test equipment used shall be submitted.

(e) If deemed necessary, the Commission may require additional information concerning the measurement procedures employed in obtaining the data submitted for equipment authorization purposes.

[42 FR 44987, Sept. 8, 1977, as amended at 44 FR 39181, July 5, 1979; 51 FR 12616, Apr. 14, 1986]

§ 2.948 Description of measurement facil ties.

(a) Each party making measure ments of equipment that is subject t an equipment authorization unde Part 15 or Part 18 of this chapter, re gardless of whether the measurement are filed with the Commission or kep on file by the party responsible fo compliance of equipment markete within the U.S. or its possessions, sha compile a description of the measure ment facilities employed.

(1) If the measured equipment subject to the verification procedur the description of the measuremen facilities shall be retained by the part responsible for verification of th equipment.

(i) If the equipment is verifie through measurements performed b an independent laboratory, it is ac ceptable for the party responsible fo verification of the equipment to rel upon the description of the measure ment facilities retained by or place on file with the Commission by tha laboratory. In this situation, the part responsible for verification of th equipment is not required to retain duplicate copy of the description o the measurement facilities.

(ii) If the equipment is verifie based on measurements performed a the installation site of the equipmen no specific site calibration data is re quired. It is acceptable to retain th description of the measurement facil ties at the site at which the measure ments were performed.

(2) If the equipment is to be author ized by the Commission under the cer tification or the notification proce dure, the description of the measure ment facilities shall be filed with th Commission's Laboratory in Columbia Maryland. The data describing th measurement facilities need only b filed once but must be updated a changes are made to the measuremen facilities or as otherwise described i this Section. At least every thre years, the organization responsible fo filing the data with the Commissio shall certify that the data on file i current.

(b) The description shall contain th following information:

(1) Location of the test site.

(2) Physical description of the test site accompanied by photographs 8" x 10" in size. Smaller photographs may be used if they clearly show the details of the test site and are mounted on full size sheets of paper.

(3) A drawing showing the dimensions of the site, physical layout of all supporting structures, and all structures within 5 times the distance between the measuring antenna and the device being measured.

(4) Description of structures used to support the device being measured and the test instrumentation.

(5) List of measuring equipment used.

(6) Information concerning the calibration of the measuring equipment, i.e., the date the equipment was last calibrated and how often the equipment is calibrated.

(7) If desired, a statement as to whether the test site is available to do measurement services for the public on a fee basis.

(8) A plot of site attenuation data taken pursuant to FCC Bulletin OET 55 using a tuned dipole antenna (this provision does not apply to equipment that is not measured on an open field test site).

(9) A description of the types of equipment intended to be measured or other information regarding the types of measurements that would be performed at the test facility.

(c) The Commission will publish a list of those parties who have filed the information required by this section, provided they indicate that they wish to perform measurement services for the public on a fee basis. However, it should be noted that the Commission does not endorse or approve any facility on this list.

[54 FR 17712, Apr. 25, 1989]

VERIFICATION

AUTHORITY: Sections 2.951 through 2.957 are issued under secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.

SOURCE: Sections 2.951 through 2.957 appear at 46 FR 23249, Apr. 24, 1981, unless otherwise noted.

§ 2.951 Cross reference.

The provisions of § 2.901, et seq., shall apply to equipment subject to verification.

§ 2.952 Limitation on verification.

(a) Verification signifies that the manufacturer or importer has determined that the equipment has been shown to be capable of compliance with the applicable technical standards if no unauthorized change is made in the equipment and if the equipment is properly maintained and operated. Compliance with these standards shall not be construed to be a finding by the manufacturer or importer with respect to matters not encompassed by the Commission's rules.

(b) Verification of the equipment by the manufacturer or importer is effective until a termination date is otherwise established by the Commission.

(c) No person shall, in any advertising matter, brochure, etc., use or make reference to a verification in a deceptive or misleading manner or convey the impression that such verification reflects more than a determination by the manufacturer or importer that the device or product has been shown to be capable of compliance with the applicable technical standards of the Commission's rules.

§ 2.953 Responsibility of manufacturer or importer.

(a) In verifying compliance, the manufacturer or importer (in the case of imported equipment) warrants that each unit of equipment marketed under the verification procedure will conform to the unit tested and found acceptable by the manufacturer or importer and that data on file with the manufacturer or importer continues to be representative of the equipment being produced under such verification within the variation that can be expected due to quantity production and testing on a statistical basis.

(b) The importer of equipment subject to verification may upon receiving a written statement from the manufacturer that the equipment complies with the appropriate technical standards rely on the manufacturer or independent testing agency to verify compliance. The test records required by § 2.955 however should be in the English language and made available to the Commission upon a reasonable request.

(c) In the case of transfer of control of equipment, as in the case of sale or merger of the grantee, the new manufacturer or importer shall bear the responsibility of continued compliance of the equipment.

(d) Equipment verified by the manufacturer or importer shall be reverified if the modification or change adversely affects the emanation characteristics of the modified equipment. The manufacturer or importer continues to bear the responsibility for continued compliance of subsequently produced equipment.

§ 2.954 Identification.

Devices subject only to verification shall be uniquely identified by the person responsible for marketing or importing the equipment within the United States. However, the identification shall not be of a format which could be confused with the FCC Identifier required on certificated, notified, type accepted or type approved equipment. The importer or manufacturer shall maintain adequate identification records to facilitate positive identification for each verified device.

[54 FR 1699, Jan. 17, 1989]

§ 2.955 Retention of records.

(a) For each equipment subject to verification, the manufacturer (or importer) shall maintain the records listed below:

(1) A record of the original design drawings and specifications and all changes that have been made that may affect compliance with the requirements of § 2.953.

(2) A record of the procedures used for production inspection and testing (if tests were performed) to insure the conformance required by § 2.953. (Statistical production line emission testing is not required.)

(3) A record of the measurements made on an appropriate test site that demonstrates compliance with the applicable regulations. The record shall identify the measurement procedure that was used and shall include all the data required to show compliance with the appropriate regulations.

(4) For equipment subject to the provisions in Part 15 of this chapter, the records shall indicate if the equipment was verified pursuant to the transition provisions contained in § 15.37 of this chapter.

(b) The records listed in paragraph (a) of this section shall be retained for two years after the manufacture of said equipment item has been permanently discontinued, or until the conclusion of an investigation or a proceeding if the manufacturer or importer is officially notified that an investigation or any other administrative proceeding involving his equipment has been instituted.

[54 FR 17713, Apr. 25, 1989]

§ 2.956 FCC inspection and submission o equipment for testing.

(a) Each manufacturer or importe of equipment subject to verification shall upon receipt of reasonable request submit to the Commission the records required by § 2.955.

(b) The Commission may require th manufacturer or importer of equipment subject to verification to submit one or more of sample units for measurements at the Commission's Laboratory.

(c) In the event the manufacture believes that shipment of the sampl to the Commission's Laboratory is impractical because of the size or weigh of the equipment, or the power requirement or for any other reason, th applicant may submit a written explanation why such shipment is impract cal and should not be required.

§ 2.957 Sampling tests of equipment compliance.

The Commission will from time t time, request the manufacturer or i porter to submit to the FCC Laboratory in Columbia, Maryland, variou equipment(s) for which verificatio has been made, to determine th extent to which subsequently pr duced units continue to comply wit the applicable standards. Shippin costs to the Commission's Laborator and return shall be borne by the ma ufacturer or importer.

TYPE APPROVAL

§ 2.961 Cross reference.

The provisions of this subpart, §§ 2.901 et seq., shall apply to applications for and grant of type approval.

§ 2.963 Application for type approval.

(a) An application for type approval shall be filed on FCC Form 731 with all questions answered.

(b) The application shall be filed by the party whose name will be placed on the equipment.

(c) If the applicant is not the manufacturer of the equipment, he shall attach a statement explaining the relationship between the applicant and the manufacturer accompanied by a confirming statement from the actual manufacturer.

(d) The applicant shall attach a statement containing a technical description of the equipment sufficiently complete to develop all the factors concerning compliance with the technical standards of the applicable rules. The description should include the information listed below. If an item is not applicable, this should be stated.

(1) Type(s) of emission.

(2) Frequency range.

(3) Range of operating power and description of means provided for variation of operating power.

(4) Maximum power rating as defined in the applicable rules.

(5) The voltages applied to and currents into the several elements of the final radio frequency amplifying device for normal operation over the power range. Indicate whether these voltages and currents are DC or AC.

(6) Function of each electron tube, semiconductor or other active circuit device.

(7) Complete circuit diagram.

(8) *Instruction books.* If the instruction book(s) is not available when the application is filed a set of draft instructions should be provided and the complete instruction book should be submitted as soon as available.

(9) Tune up procedure over the power range or at specific operating power levels.

(10) A description of all circuitry and devices provided for determining and stabilizing frequency.

(11) A description of any circuits or devices employed for suppression of spurious radiation, for limiting modulation, and for limiting the operating power.

(12) A photograph or drawing of the equipment identification plate or label showing the information to be placed thereon.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27802, Aug. 1, 1974; 41 FR 19948, May 14, 1976]

§ 2.965 Submission of equipment for type approval testing.

After an application for type approval has been filed and accepted by the Commission, the applicant will be given instructions concerning the shipment of the equipment to the Commission's Laboratory. After testing is completed, the equipment will be returned to the applicant. Shipping costs to the Commission's Laboratory and return shall be borne by the applicant.

§ 2.967 Changes in type approved equipment.

(a) No mechanical or electrical change whatsoever may be made in a type approved equipment without prior approval by the Commission.

NOTE: Changes only in color of finish, or use of technically equivalent non-critical parts of different manufacture are not considered to be changes within the intent of this section. However, changes in make of critical parts (such as magnetrons) or type of semiconductors or vacuum tubes are considered to be changes requiring approval. In this context the term critical changes means those changes that affect the capability of the device to comply with the technical standards of the rules. Any questions as to whether changes require approval or not should be referred to the Laboratory Division for determination.

(b) A grantee desiring to make a change shall file an application on FCC Form 731 accompanied by the appropriate fees.

The grantee shall attach a description of the change(s) and shall indicate whether the change(s) will be made in all units (including previous production) or will be made only in those units produced after the change(s) is authorized.

(c) If the Commission authorizes the change(s) requested, it may require the assignment of new identification pursuant to §§ 2.925 and 2.926 of this chapter.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27802, Aug. 1, 1974; 41 FR 19948, May 14, 1976; 51 FR 39535, Oct. 29, 1986]

§ 2.969 Information required on identification label for type approved equipment.

(a) Each equipment for which a type approval application is filed on or after May 1, 1981, shall bear an identification plate or label pursuant to § 2.925 and § 2.926. The FCC Identifier for such equipment will be validated by the grant of type approval issued by the Commission.

NOTE: FCC Type Approval Numbers will not be issued for any equipment covered by type approval applications filed on or after the date specified above.

(b) Each equipment for which a type approval application is filed before May 1, 1981, shall have the following information on the identification plate or label.

(1) Name of the grantee of type approval.

(2) The words "TYPE NO." "or MODEL NO." followed by the model number or type number assigned to the equipment by the grantee.

(3) The words "FCC TYPE APPROVAL NO." followed by the type approval number assigned by the FCC if a type approval number has been assigned.

(4) Any other statement or labelling requirements imposed by the rules governing the operation of this equipment.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; sec. 302, 82 Stat. 290 (47 U.S.C. 154, 302, 303, 307))

[44 FR 17179, Mar. 21, 1979, as amended at 45 FR 71356, Oct. 28, 1980]

NOTIFICATION

SOURCE: Sections 2.971 through 2.979 appear at 48 FR 3621, Jan. 26, 1983, unless otherwise noted.

§ 2.971 Cross reference.

The general provisions of this subpart, § 2.901, *et seq.*, shall apply to ap-
plications for and grants of notifi
tion.

§ 2.973 Limitations on notification.

Notification is a grant of equipme
authorization issued by the Comm
sion that signifies that the applic
has determined that the equipme
has been shown to be capable of co
pliance with the applicable techni
standards in the Commission's rules
no unauthorized change is made in t
equipment and if the equipment
properly maintained and operat
Compliance with these standards sh
not be construed to be a finding by t
applicant with respect to matters
encompassed by the Commissio
rules.

§ 2.975 Application for notification.

(a) Subsequent to the determinati
by the applicant that the equipme
complies with the applicable sta
ards, the applicant, who shall ret
the responsibility for ensuring th
the equipment continues to com
with such standards, shall file a
quest for the issuance of an equipme
authorization on FCC Form 731,
each FCC Identifier, with all questi
answered. Where a form item is
applicable, it shall be stated. The
plication shall be filed in the name
the party to whom the grantee cod
assigned (see § 2.926 concerning the
signment of identifier codes). The
lowing information shall be inclu
in the filing, either in answer to
questions on the form or as atta
ments thereto:

(1) Name of the applicant indicat
whether the applicant is the manuf
turer of the equipment, a vendor ot
than the manufacturer, a licensee o
prospective licensee. Where the ap
cant is not the manufacturer of
equipment, the name of the manuf
turer shall be stated;

(2) The following technical infor
tion:

(i) Type or types of emission (if
plicable);

(ii) Frequency range;

(iii) Rated frequency tolerance
applicable);

(iv) Rated radio frequency power output, if applicable (if variable, give the range) and

(v) If the equipment is a microwave transmitter, an explanation of the type of modulation employed and of the resulting emission.

(3) A statement concerning the intended use of the device including both the type of use for which the device has been designed and the part(s) or subpart(s) of the rules governing the device;

(4) The FCC Identifier of the equipment for which notification is sought (see § 2.926) and a photograph or drawing of the equipment identification plate or label showing the information to be placed thereon in accordance with § 2.925;

(5) For devices operated under the provisions of Part 15 of this chapter, photographs showing the general appearance and the controls available to the user. Photographs should be 8 by 10 inches in size. Smaller photographs may be submitted provided they are sharp and clear, show the necessary detail, and are mounted on paper between 8 by 10½ inches and 8½ by 11 inches. Line sketches may be submitted in lieu of photographs provided those sketches are sufficiently detailed to allow identification of the equipment. For devices operated under the provisions of any other part and where it is specifically required under the rule section(s) under which the device is to be operated, photographs of the equipment of sufficient clarity to reveal its external appearances and size, both front and back;

(6) A signed statement attesting to the following or its equivalent:

> This equipment has been tested in accordance with the requirements contained in the appropriate Commission regulations. To the best of my knowledge, these tests were performed using measurement procedures consistent with industry or Commission standards and demonstrate that the equipment complies with the appropriate standards. Each unit manufactured, imported or marketed, as defined in the Commission's regulations, will conform to the sample(s) tested within the variations that can be expected due to quantity production and testing on a statistical basis. I further certify that the necessary measurements were made by (state the name and address of the test facility even if your own facility was used).

(7) For equipment subject to the provisions of Part 15 of this chapter, the application shall indicate if the equipment is being authorized pursuant to the transition provisions in § 15.37 of this chapter.

(b) The statement required in paragraph (a)(6) of this section shall be signed pursuant to § 2.909(c).

(c) Upon the satisfactory completion of the necessary testing to determine that the applicable standards are met, the submission of the material required in paragraph (a) of this section and the issuance of a grant of equipment authorization, marketing, as defined in § 2.803, is permitted.

(d) The authorization of the equipment through the notification procedure may be revoked pursuant to § 2.939.

(e) Further information may be requested prior to the issuance of a grant of notification. This information may include measurement data, photographs, circuit diagrams and descriptions, or any other material which may be deemed necessary.

(f) For a composite system that incorporates only devices subject to certification, verification and/or notification and that are contained in a single enclosure, a separate application, FCC Form 731, with the appropriate fee shall be submitted for each type of device within the enclosure. At the option of the applicant, a single FCC identifier may be requested for that system. Fees are based on the number of devices and types of authorizations.

(g) The records of measurement data, measurement procedures, photographs, circuit diagrams, etc. for the device to which the application applies shall be retained for two years after the manufacture of said equipment has been permanently discontinued, or until the conclusion of an investigation or proceeding if the holder of the grant of equipment authorization is officially notified that an investigation or any other administrative proceeding involving the equipment has been instituted.

[48 FR 3621, Jan. 26, 1983, as amended at 49 FR 3996, Feb. 1, 1984; 54 FR 17713, Apr. 25, 1989]

§ 2.977 Changes in notified equipment.

(a) Under the notification procedure, the grantee warrants that each unit of equipment marketed under the identification specified in the grant of equipment authorization will conform to the unit(s) tested and found acceptable by the grantee and that data on file with the grantee, as required in § 2.938, continues to be representative of the equipment being produced under such notification within the variation that can be expected due to quantity production and testing on a statistical basis.

(b) Changes in the electrical and mechanical construction of equipment requiring an application for, and grant of, notification are permissive, providing that the changes do not cause the equipment to exceed the standards applicable to that equipment.

(c) Permissive changes to transmitters notified for operation under Part 73 of this chapter include the following:

(1) The interconnection of a type accepted AM broadcast stereophonic exciter-generator with a notified AM broadcast transmitter in accordance with the manufacturer's instructions and upon completion of measurements showing that the modified transmitter meets the emission limitations applicable thereto.

(2) The interconnection of a utility load management exciter with a notified AM broadcast transmitter in accordance with the manufacturer's instructions and completion of equipment performance measurements showing the transmitter meets the minimum performance requirements applicable thereto.

(3) The addition of TV broadcast subcarrier generators to a notified TV broadcast transmitter or the addition of FM broadcast subcarrier generators to a notified FM broadcast transmitter, provided the transmitter exciter is designed for subcarrier operation without mechanical or electrical alterations to the exciter or other transmitter circuits.

(4) The addition of TV broadcast stereophonic generators to a notified TV broadcast transmitter or the addition of FM broadcast stereophonic generators to a notified FM broadcast transmitter, provided the transmitter exciter is designed for stereophonic sound operation without mechanical or electrical alterations to the exciter or other transmitter circuits.

(5) The addition of subscription TV encoding equipment for which the FCC has granted advance approval under the provisions of § 2.1400 in Subpart M and § 73.644(c) of Part 73 of this chapter to a notified transmitter.

(d) Notwithstanding the provisions of this section, broadcast licensees or permittees are permitted to modify notified transmitters pursuant to § 73.1690 of the FCC's Rules.

[48 FR 3621, Jan. 26, 1983, as amended at 49 FR 3996, Feb. 1, 1984; 49 FR 8252, Mar. 6, 1984; 49 FR 27147, July 2, 1984; 51 FR 2706, Jan. 21, 1986; 51 FR 41628, Nov. 18, 1986]

§ 2.979 Information required on identification label for notified equipment.

Each equipment for which a notification application is filed shall bear an identification plate or label pursuant to §§ 2.925 and 2.926. The FCC Identifier for such equipment will be validated by the grant of notification.

TYPE ACCEPTANCE

§ 2.981 Cross reference.

(a) The general provisions of this subpart, § 2.901 et seq., shall apply to applications for and grants of type acceptance.

§ 2.983 Application for type acceptance.

An application for type acceptance shall be filed on FCC Form 731 by the party whose name will be placed on the equipment and shall include the following information either in answer to the questions on the form or as attachments thereto.

(a) Name of applicant indicating whether the applicant is the manufacturer of the equipment, a vendor other than the manufacturer (include the name of manufacturer), a licensee or a prospective licensee.

(b) Identification of equipment for which type acceptance is sought.

(c) Information whether quantity (more than one) production is planned.

(d) Technical description of the equipment sufficiently complete to develop all the factors concerning compliance with the technical standards of the applicable rule part(s). The description shall include the following items:

(1) Type or types of emission.

(2) Frequency range.

(3) Range of operating power values or specific operating power levels, and description of any means provided for variation of operating power.

(4) Maximum power rating as defined in the applicable part(s) of the rules.

(5) The dc voltages applied to and dc currents into the several elements of the final radio frequency amplifying device for normal operation over the power range.

(6) Function of each electron tube or semiconductor or other active circuit device.

(7) Complete circuit diagrams.

(8) Instruction book(s). If the instruction book is not available when the application is filed, a set of draft instructions should be provided and the complete instruction book should be submitted as soon as available. The Commission may specify a date when the complete instruction book should be submitted to conform this requirement with the regulations of the service under which type acceptance is requested.

(9) Tune-up procedure over the power range, or at specific operating power levels.

(10) A description of all circuitry and devices provided for determining and stabilizing frequency.

(11) A description of any circuits or devices employed for suppression of spurious radiation, for limiting modulation, and for limiting power.

(12) For equipment employing digital modulation techniques, a detailed description of the modulation system to be used, including the response characteristics (frequency, phase and amplitude) of any filters provided, and a description of the modulating wavetrain, shall be submitted for the maximum rated conditions under which the equipment will be operated.

(e) The data required by §§ 2.985 through 2.997, inclusive, measured in accordance with the procedures set out in § 2.999.

(f) A photograph or drawing of the equipment identification plate or label showing the information to be placed thereon.

(g) Photographs (8″×10″) of the equipment of sufficient clarity to reveal equipment construction and layout, including meters, if any, and labels for controls and meters and sufficient views of the internal construction to define component placement and chassis assembly. Insofar as these requirements are met by photographs or drawings contained in instruction manuals supplied with the type acceptance request, additional photographs are necessary only to complete the required showing.

(h) An encoder device used for the generation of the EBS Attention Signal as defined in § 73.906 need not comply with paragraphs (d)(1) through (d)(5) inclusive, (d)(9) through (d)(12) inclusive and paragraph (e) of this section. In lieu of these requirements measurements must be submitted showing compliance with § 73.940.

(i) The application for type acceptance of an external radio frequency power amplifier under Part 97 of this chapter need not be accompanied by the data required by paragraph (e) of this section. In lieu thereof, measurements shall be submitted to show compliance with the technical specifications in Subpart C of Part 97 of this chapter and such information as required by § 2.1005 of this part.

(j) An application for type acceptance of an AM broadcast stereophonic exciter-generator intended for interfacing with existing type-accepted or notified transmitters must include measurements made on a complete stereophonic transmitter. The instruction book required under paragraph (d)(8) of this section must include complete specifications and circuit requirements for interconnecting with existing transmitters. The instruction book must also provide a full description of the equipment and measurement procedures to monitor modulation and to verify that the combination of stereo exciter-generator and transmitter meet the emission limitations of § 73.44.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27802, Aug. 1, 1974; 39 FR 35664, Oct. 3, 1974; 40 FR 34117, Aug. 14, 1975; 41 FR 19948, May 14, 1976; 43 FR 12687, Mar. 27, 1978; 52 FR 15725, Apr. 30, 1987]

§ 2.985 Measurements required: RF power output.

(a) For transmitters other than single sideband, independent sideband and controlled carrier radiotelephone, power output shall be measured at the RF output terminals when the transmitter is adjusted in accordance with the tune-up procedure to give the values of current and voltage on the circuit elements specified in § 2.983(d)(5). The electrical characteristics of the radio frequency load attached to the output terminals when this test is made shall be stated.

(b) For single sideband, independent sideband, and single channel, controlled carrier radiotelephone transmitters the procedure specified in paragraph (a) of this section shall be employed and, in addition, the transmitter shall be modulated during the test as follows. In all tests, the input level of the modulating signal shall be such as to develop rated peak envelope power or carrier power, as appropriate, for the transmitter.

(1) Single sideband transmitters in the A3A or A3J emission modes—by two tones at frequencies of 400 Hz and 1800 Hz (for 3.0 kHz authorized bandwidth), or 500 Hz and 2100 Hz (3.5 kHz authorized bandwidth), or 500 Hz and 2400 Hz (for 4.0 kHz authorized bandwidth), applied simultaneously, the input levels of the tones so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(2) Single sideband transmitters in the A3H emission mode—by one tone at a frequency of 1500 Hz (for 3.0 kHz authorized bandwidth), or 1700 Hz (for 3.5 kHz authorized bandwidth), or 1900 Hz (for 4.0 kHz authorized bandwidth), the level of which is adjusted to produce a radio frequency signal component equal in magnitude to the magnitude of the carrier in this mode.

(3) As an alternative to paragraphs (b)(1) and (2) of this section other tones besides those specified may be used as modulating frequencies, upon a sufficient showing of need. However, any tones so chosen must not be harmonically related, the third and fifth order intermodulation products which occur must fall within the −25 dB step of the emission bandwidth limitation curve, the seventh and ninth order intermodulation product must fall within the 35 dB step of the referenced curve and the eleventh and all higher order products must fall beyond the −35 dB step of the referenced curve.

(4) Independent sideband transmitters having two channels by 1700 Hz tones applied simultaneously in both channels, the input levels of the tones so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(5) Independent sideband transmitters having more than two channels by an appropriate signal or signals applied to all channels simultaneously. The input signal or signals shall simulate the input signals specified by the manufacturer for normal operation.

(6) Single-channel controlled-carrier transmitters in the A3 emission mode—by a 2500 Hz tone.

(c) For measurements conducted pursuant to paragraphs (a) and (b) of this section, all calculations and methods used by the applicant for determining carrier power or peak envelope power, as appropriate, on the basis of measured power in the radio frequency load attached to the transmitter output terminals shall be shown. Under the test conditions specified, no components of the emission spectrum shall exceed the limits specified in the applicable rule parts as necessary for meeting occupied bandwidth or emission limitations.

§ 2.987 Measurements required: Modulation characteristics.

(a) *Voice modulated communication equipment.* A curve or equivalent data showing the frequency response of the audio modulating circuit over a range of 100 to 5000 Hz shall be submitted.

For equipment required to have an audio low-pass filter, a curve showing the frequency response of the filter, or of all circuitry installed between the modulation limiter and the modulated stage shall be submitted.

(b) *Equipment which employs modulation limiting.* A curve or family of curves showing the percentage of modulation versus the modulation input voltage shall be supplied. The information submitted shall be sufficient to show modulation limiting capability throughout the range of modulating frequencies and input modulating signal levels employed.

(c) *Single sideband and independent sideband radiotelephone transmitters which employ a device or circuit to limit peak envelope power.* A curve showing the peak envelope power output versus the modulation input voltage shall be supplied. The modulating signals shall be the same in frequency as specified in paragraph (c) of § 2.989 for the occupied bandwidth tests.

(d) *Other types of equipment.* A curve or equivalent data which shows that the equipment will meet the modulation requirements of the rules under which the equipment is to be licensed.

§ 2.989 Measurements required: Occupied bandwidth.

The occupied bandwidth, that is the frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission shall be measured under the following conditions as applicable:

(a) Radiotelegraph transmitters for manual operation when keyed at 16 dots per second.

(b) Other keyed transmitters—when keyed at the maximum machine speed.

(c) Radiotelephone transmitters equipped with a device to limit modulation or peak envelope power shall be modulated as follows. For single sideband and independent sideband transmitters, the input level of the modulating signal shall be 10 dB greater than that necessary to produce rated peak envelope power.

(1) Other than single sideband or independent sideband transmitters—when modulated by a 2500 Hz tone at an input level 16 dB greater than that necessary to produce 50 percent modulation. The input level shall be established at the frequency of maximum response of the audio modulating circuit.

(2) Single sideband transmitters in A3A or A3J emission modes—when modulated by two tones at frequencies of 400 Hz and 1800 Hz (for 3.0 kHz authorized bandwidth), or 500 Hz and 2100 Hz (for 3.5 kHz authorized bandwidth), or 500 Hz and 2400 Hz (for 4.0 kHz authorized bandwidth), applied simultaneously. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(3) Single sideband transmitters in the A3H emission mode—when modulated by one tone at a frequency of 1500 Hz (for 3.0 kHz authorized bandwidth), or 1700 Hz (for 3.5 kHz authorized bandwidth), or 1900 Hz (for 4.0 kHz authorized bandwidth), the level of which is adjusted to produce a radio frequency signal component equal in magnitude to the magnitude of the carrier in this mode.

(4) As an alternative to paragraphs (c) (2) and (3) of this section, other tones besides those specified may be used as modulating frequencies, upon a sufficient showing of need. However, any tones so chosen must not be harmonically related, the third and fifth order intermodulation products which occur must fall within the —25 dB step of the emission bandwidth limitation curve, the seventh and ninth order products must fall within the —35 dB step of the referenced curve and the eleventh and all higher order products must fall beyond the —35 dB step of the referenced curve.

(5) Independent sideband transmitters having two channels—when modulated by 1700 Hz tones applied simultaneously to both channels. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(d) Radiotelephone transmitters without a device to limit modulation

best copy available

or peak envelope power shall be modulated as follows. For single sideband and independent sideband transmitters, the input level of the modulating signal should be that necessary to produce rated peak envelope power.

(1) Other than single sideband or independent sideband transmitters—when modulated by a 2500 Hz tone of sufficient level to produce at least 85 percent modulation. If 85 percent modulation is unattainable, the highest percentage modulation shall be used.

(2) Single sideband transmitters in A3A or A3J emission modes—when modulated by two tones at frequencies of 400 Hz and 1800 Hz (for 3.0 kHz authorized bandwidth), or 500 Hz and 2100 Hz (for 3.5 kHz authorized bandwidth), or 500 Hz and 2400 Hz (for 4.0 kHz authorized bandwidth), applied simultaneously. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(3) Single sideband transmitters in the A3H emission mode—when modulated by one tone at a frequency of 1500 Hz (for 3.0 kHz authorized bandwidth), or 1700 Hz (for 3.5 kHz authorized bandwidth), or 1900 Hz (for 4.0 kHz authorized bandwidth), the level of which is adjusted to produce a radio frequency signal component equal in magnitude to the magnitude of the carrier in this mode.

(4) As an alternative to paragraphs (d) (2) and (3) of this section, other tones besides those specified may be used as modulating frequencies, upon a sufficient showing of need. However any tones so chosen must not be harmonically related, the third and fifth order intermodulation products which occur must fall within the −25 dB step of the emission bandwidth limitation curve, the seventh and ninth order products must fall within the −35 dB step of the referenced curve and the eleventh and all higher order products must fall beyond the −35 dB step of the referenced curve.

(5) Independent sideband transmitters having two channels—when modulated by 1700 Hz tones applied simultaneously to both channels. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(e) Transmitters for use in the Radio Broadcast Services:

(1) AM broadcast transmitters for monaural operation—when amplitude modulated 85% by a 7,500 Hz input signal.

(2) AM broadcast stereophonic operation—when the transmitter operated under any stereophonic modulation condition not exceeding 100% on negative peaks and tested under the conditions specified in § 73.128 in Part 73 of the FCC rules for AM broadcast stations.

(3) FM broadcast transmitter not used for multiplex operation—when modulated 85 percent by a 15 kHz input signal.

(4) FM broadcast transmitters for multiplex operation under Subsidiary Communication Authorization (SCA)—when carrier is modulated 70 percent by a 15 kHz main channel input signal, and modulated an additional 15 percent simultaneously by a 67 kHz subcarrier (unmodulated).

(5) FM broadcast transmitter for stereophonic operation—when modulated by a 15 kHz input signal to the main channel, a 15 kHz input signal to the stereophonic subchannel, and the pilot subcarrier simultaneously. The input signals to the main channel and stereophonic subchannel each shall produce 38 percent modulation of the carrier. The pilot subcarrier should produce 9 percent modulation of the carrier.

(6) Television broadcast monaural transmitters—when modulated 85% by a 15 kHz input signal.

(7) Television broadcast stereophonic sound transmitters—when the transmitter is modulated with a 15 kHz input signal to the main channel and the stereophonic subchannel, any pilot subcarrier(s) and any unmodulated auxiliary subcarrier(s) which may be provided. The signals to the main channel and the stereophonic subchannel must be representative of the system being tested and when combined with any pilot subcarrier(s) or other auxiliary subcarriers shall result in 85% deviation of the maximum specified aural carrier deviation.

(f) Transmitters for which peak frequency deviation (D) is determined in accordance with § 2.202(f), and in which the modulating baseband comprises more than 3 independent speech channels—when modulated by a test signal determined in accordance with the following:

(1) A modulation reference level is established for the characteristic baseband frequency. (Modulation reference level is defined as the average power level of a sinusoidal test signal delivered to the modulator input which provides the specified value of per-channel deviation.)

(2) Modulation reference level being established, the total rms deviation of the transmitter is measured when a test signal consisting of a band of random noise extending from below 20 kHz to the highest frequency in the baseband, is applied to the modulator input through any preemphasis networks used in normal service. The average power level of the test signal shall exceed the modulation reference level by the number of decibels determined using the appropriate formula in the following table:

Number of message circuits that modulate the transmitter	Number of dB by which the average power (P_{avg}) level test signal shall exceed the modulation reference level	Limits of P_{avg} (dBm0)
More than 3, but less than 12	To be specified by the equipment manufacturer subject to FCC approval	
At least 12, but less than 60	$X+2 \log_{10} N_c$	X: -2 to $+2.6$
At least 60, but less than 240	$X+4 \log_{10} N_c$	X: -5.6 to -1.0
240 or more	$X+10 \log_{10} N_c$	X: -19.6 to -15.0

Where X represents the average power in a message circuit in dBm0; N_c is the number of circuits in the multiplexed message load. P_{avg} shall be selected by the transmitter manufacturer and included with the technical data submitted with the application for type acceptance. (See § 2.202(e) in this chapter.)

(g) Transmitters in which the modulating baseband comprises not more than three independent channels—when modulated by the full complement of signals for which the transmitter is rated. The level of modulation for each channel should be set to that prescribed in rule parts applicable to the services for which the transmitter is intended. If specific modulation levels are not set forth in the rules, the tests should provide the manufacturer's maximum rated condition.

(h) Transmitters employing digital modulation techniques—when modulated by an input signal such that its amplitude and symbol rate represent the maximum rated conditions under which the equipment will be operated. The signal shall be applied through any filter networks, pseudo-random generators or other devices required in normal service. Additionally, the occupied bandwidth shall be shown for operation with any devices used for modifying the spectrum when such devices are optional at the discretion of the user.

(i) Transmitters designed for other types of modulation—when modulated by an appropriate signal of sufficient amplitude to be representative of the type of service in which used. A description of the input signal should be supplied.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 35664, Oct. 3, 1974; 47 FR 13164, Mar. 29, 1982; 48 FR 16493, Apr. 18, 1983; 49 FR 18105, Apr. 27, 1984]

§ 2.991 Measurements required: Spurious emissions at antenna terminals.

The radio frequency voltage or powers generated within the equipment and appearing on a spurious frequency shall be checked at the equipment output terminals when properly loaded with a suitable artificial antenna. Curves or equivalent data shall show the magnitude of each harmonic and other spurious emission that can be detected when the equipment is operated under the conditions specified in § 2.989 as appropriate. The magnitude of spurious emissions which are attenuated more than 20 dB below the permissible value need not be specified.

§ 2.993 Measurements required: Field strength of spurious radiation.

(a) Measurements shall be made to detect spurious emissions that may be radiated directly from the cabinet, control circuits, power leads, or intermediate circuit elements under normal conditions of installation and operation. Curves or equivalent data shall be supplied showing the magnitude of each harmonic and other spurious emission. For this test, single sideband, independent sideband, and controlled carrier transmitters shall be modulated under the conditions specified in paragraph (c) of § 2.989, as appropriate. For equipment operating on frequencies below 890 MHz, an open field test is normally required, with the measuring instrument antenna located in the far-field at all test frequencies. In the event it is either impractical or impossible to make open field measurements (e.g. a broadcast transmitter installed in a building) measurements will be accepted of the equipment as installed. Such measurements must be accompanied by a description of the site where the measurements were made showing the location of any possible source of reflections which might distort the field strength measurements. Information submitted shall include the relative radiated power of each spurious emission with reference to the rated power output of the transmitter, assuming all emissions are radiated from half-wave dipole antennas.

(b) The measurements specified in paragraph (a) of this section shall be made for the following equipment:

(1) Those in which the spurious emissions are required to be 60 dB or more below the mean power of the transmitter.

(2) All equipment operating on frequencies higher than 25 MHz.

(3) All equipment where the antenna is an integral part of, and attached directly to the transmitter.

(4) Other types of equipment as required, when deemed necessary by the Commission.

§ 2.995 Measurements required: Frequency stability.

(a) The frequency stability shall be measured with variation of ambient temperature as follows:

(1) From −30° to +50° centigrade for all equipment except that specified in paragraphs (a)(2) and (3) of this section.

(2) From −20° to +50° centigrade for equipment to be licensed for use in the Maritime Services under Part 80 of this chapter and equipment to be licensed for use above 952 MHz at operational fixed stations in all services, stations in the Local Television Transmission Service and Point-to-Point Microwave Radio Service under Part 21, and equipment licensed for use aboard aircraft in the Aviation Services under Part 87 of this chapter.

(3) From 0° to +50° centigrade for equipment to be licensed for use in the Radio Broadcast Services under Part 73 of this chapter.

(b) Frequency measurements shall be made at the extremes of the specified temperature range and at intervals of not more than 10° centigrade through the range. A period of time sufficient to stabilize all of the components of the oscillator circuit at each temperature level shall be allowed prior to frequency measurement. The short term transient effects on the frequency of the transmitter due to keying (except for broadcast transmitters) and any heating element cycling normally occurring at each ambien temperature level also shall be shown. Only the portion or portions of the transmitter containing the frequency determining and stabilizing circuitry need be subjected to the temperatur variation test.

(c) In addition to all other requirements of this section, the following information is required for equipmen incorporating heater type crystal oscillators to be used in mobile stations, fo which type acceptance is first reques ed after March 25, 1974, except fo battery powered, hand carried, port ble equipment having less than 3 watt mean output power.

(1) Measurement data showing vari tion in transmitter output frequenc from a cold start and the elapsed tim

necessary for the frequency to stabilize within the applicable tolerance. Tests shall be made after temperature stabilization at each of the ambient temperature levels; the lower temperature limit, 0° centigrade and +30° centigrade with no primary power applied.

(2) Beginning at each temperature level specified in paragraph (c)(1) of this section, the frequency shall be measured within one minute after application of primary power to the transmitter and at intervals of no more than one minute thereafter until ten minutes have elapsed or until sufficient measurements are obtained to indicate clearly that the frequency has stabilized within the applicable tolerance, whichever time period is greater. During each test, the ambient temperature shall not be allowed to rise more than 10° centigrade above the respective beginning ambient temperature level.

(3) The elapsed time necessary for the frequency to stabilize within the applicable tolerance from each beginning ambient temperature level as determined from the tests specified in this paragraph shall be specified in the instruction book for the transmitter furnished to the user.

(4) When it is impracticable to subject the complete transmitter to this test because of its physical dimensions or power rating, only its frequency determining and stabilizing portions need be tested.

(d) The frequency stability shall be measured with variation of primary supply voltage as follows:

(1) Vary primary supply voltage from 85 to 115 percent of the nominal value for other than hand carried battery equipment.

(2) For hand carried, battery powered equipment, reduce primary supply voltage to the battery operating end point which shall be specified by the manufacturer.

(3) The supply voltage shall be measured at the input to the cable normally provided with the equipment, or at the power supply terminals if cables are not normally provided. Effects on frequency of transmitter keying (except for broadcast transmitters) and any heating element cycling at the nominal supply voltage and at each extreme also shall be shown.

(e) When deemed necessary, the Commission may require tests of frequency stability under conditions in addition to those specifically set out in paragraphs (a), (b), (c), and (d) of this section. (For example measurements showing the effect of proximity to large metal objects, or of various types of antennas, may be required for portable equipment.)

[39 FR 5919, Feb. 14, 1974, as amended at 51 FR 31304, Sept. 2, 1986]

§ 2.997 Frequency spectrum to be investigated.

In all of the measurements set forth in §§ 2.991 and 2.993 of this part, the spectrum should be investigated from the lowest radio frequency generated in the equipment up to at least the 10th harmonic of the carrier frequency or to the highest frequency practicable in the present state of the art of measuring techniques, whichever is lower. Particular attention should be paid to harmonics and subharmonics of the carrier frequency as well as to those frequencies removed from the carrier by multiples of the oscillator frequency. Radiation at the frequencies of multipler stages should also be checked. The amplitude of spurious emissions which are attenuated more than 20 dB below the permissible value need not be reported.

§ 2.999 Measurement procedure.

The measurement procedures employed shall be in accordance with the requirements set forth in § 2.947. In addition, any specific test requirements set forth in the particular rules governing the equipment for which type acceptance is requested shall apply.

[42 FR 44987, Sept. 8, 1977]

§ 2.1001 Changes in type accepted equipment.

(a) Equipment of the same type is defined for purposes of type acceptance as being equipment which is electrically and mechanically interchangeable and in addition will have the same basic tube or semiconductor lineup, frequency multiplication, basic frequency determining and stabilizing circuitry, basic modulator circuit and maximum power rating. Variations in electrical and mechanical construction, other than the items indicated above are permitted provided the variation or change is made in compliance with the requirements of paragraphs (b), (c), and (d) of this section.

(b) Two classes of permissive changes may be made in type accepted equipment without requiring a new application for and grant of type acceptance.

(1) A Class I permissive change includes those modifications in the equipment which do not change the equipment characteristics beyond the rated limits established by the manufacturer and accepted by the Commission when type acceptance is granted, and which do not change the type of equipment as defined in paragraph (a) of this section. No filing with the Commission is required for a Class I permissive change.

(2) A Class II permissive change includes those modifications which bring the performance of the equipment outside the manufacturer's rated limits as originally filed but not below the minimum requirements of the applicable rules, and do not change the type of equipment as defined in paragraph (a) of this section. When a Class II permissive change is made by the grantee, he shall supply the Commission with complete information and results of tests of the characteristics affected by such change. The modified equipment shall not be marketed under the existing grant of type acceptance prior to acknowledgement by the Commission that the change is acceptable.

(3) When a Class II permissive change is made by other than the grantee of type acceptance, the information and data specified in paragraph (b)(2) of this section shall be supplied by the person making the change. The modified equipment shall not be operated under an authorization of the Commission prior to acknowledgement by the Commission that the change is acceptable.

(c) A grantee desiring to make a change other than a permissive change as described in paragraph (b) of this section shall file an application on FCC Form 731 accompanied by the required fees. The grantee shall attach a description of the change(s) to be made and a statement indicating whether the change(s) will be made in all units (including previous production) or will be made only in those units produced after the change(s) is authorized.

(d) If the Commission authorizes the changes requested, it may require the assignment of a new FCC Identifier.

(e) Users shall not modify their own equipment except as provided by paragraphs (b) and (f) of this section.

(f) Equipment type accepted for use in the Amateur Radio Service pursuant to the requirements of Part 97 of this chapter may be modified without regard to the conditions specified in paragraph (b) of this section, provided the following conditions are met:

(1) Any person performing such modifications on equipment used under Part 97 of this chapter must possess a valid amateur radio operator license of the class required for the use of the equipment being modified.

(2) Modifications made pursuant to this paragraph are limited to equipment used at licensed amateur radio stations.

(3) Modifications specified or performed by equipment manufacturers or suppliers must be in accordance with the requirements set forth in paragraph (b) of this section.

(4) Modifications specified or performed by licensees in the Amateur Radio Service on equipment other than that at specific licensed amateur radio stations must be in accordance with the requirements set forth in paragraph (b) of this section.

(5) The station licensee shall be responsible for insuring that modified equipment used at his station will comply with the applicable technical standards in Part 97 of this chapter.

(g) The interconnection of a type accepted AM broadcast stereophonic exciter-generator with a type accepted AM broadcast transmitter in accordance with the manufacturer's instructions and upon completion of measurements showing that the modified transmitter meets the emission limitation requirements of § 73.44 is defined as a Class I permissive change for compliance with this section.

(h) The interconnection of a multiplexing exciter with a type accepted AM broadcast transmitter in accordance with the manufacturer's instructions without electrical or mechanical modification of the transmitter circuits and completion of equipment performance measurements showing the transmitter meets the minimum performance requirements applicable thereto is defined as a Class I permissive change for compliance with this section.

(i) The addition of TV broadcast subcarrier generators to a type accepted TV broadcast transmitter or the addition of FM broadcast subcarrier generators to a type accepted FM broadcast transmitter, provided the transmitter exciter is designed for subcarrier operation without mechanical or electrical alterations to the exciter or other transmitter circuits.

(j) The addition of TV broadcast stereophonic generators to a type accepted TV broadcast transmitter or the addition of FM broadcast stereophonic generators to a type accepted FM broadcast transmitter, provided the transmitter exciter is designed for stereophonic sound operation without mechanical or electrical alterations to the exciter or other transmitter circuits.

(k) The addition of subscription TV encoding equipment for which the FCC has granted advance approval under the provisions of § 2.1400 in Subpart M and § 73.644(c) of Part 73 to a type accepted transmitter is considered a Class I permissive change described in paragraph (b)(1) of this section.

(l) Notwithstanding the provisions of this section, broadcast licensees or permittees are permitted to modify type accepted equipment pursuant to § 73.1690 of the FCC's Rules.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27803, Aug. 1, 1974; 41 FR 19948, May 14, 1976; 43 FR 12687, Mar. 27, 1978; 46 FR 18981, Mar. 27, 1981; 48 FR 56391, Dec. 21, 1983; 49 FR 27147, July 2, 1984; 49 FR 34014, Aug. 28, 1984; 51 FR 2707, Jan. 21, 1986; 51 FR 39535, Oct. 29, 1986; 51 FR 41628, Nov. 18, 1986]

§ 2.1003 Information required on identification label for type accepted equipment.

(a) Each equipment for which a type acceptance application is filed on or after May 1, 1981, shall bear an identification plate or label pursuant to §§ 2.925 and 2.926. The FCC Identifier for such equipment will be validated by the grant of type acceptance issued by the Commission.

(b) For each equipment covered by a type acceptance application filed before May 1, 1981, the identification plate or label shall contain the following:

(1) Name of the grantee of the type acceptance.

(2) The words "FCC TRANSMITTER DATA" followed by the number assigned to the equipment by the grantee. The abbreviations "XMTR" or "TX" may be used in place of the word "TRANSMITTER."

NOTE: If the equipment is a transceiver containing transmitting and receiving capablity and a single identifier is assigned, the words "FCC DATA," followed by the number assigned to the equipment by the grantee shall be used. If the transmitter part and the receiver part are assigned separate identifiers, the marking of paragraph (2) shall be used for the transmitter part and the marking of § 2.1045(b)(3) shall be used for the receiver part if the receiver part is subject to the requirement for certification.

(3) Any other statement or labelling requirement imposed by the rules governing the operation of this equipment, except that statements of compliance with equipment approval rules or technical standards may be permitted to appear in a clear and recognizable manner elsewhere on the equipment.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; sec. 302, 82 Stat. 290 (47 U.S.C. 154, 302, 303, 307))

[44 FR 17179, Mar. 21, 1979; 44 FR 21021, Apr. 9, 1979, as amended at 45 FR 71356, Oct. 28, 1980]

§ 2.1005 Equipment for use in the Amateur Radio Service.

(a) The general provisions of §§ 2.981, 2.983, 2.991, 2.993, 2.997, 2.999, 2.1001, and § 2.1003 shall apply to application for and grants of type acceptance for equipment operated under the requirements of Part 97 of this chapter, the Amateur Radio Service.

(b) When performing the tests specified in §§ 2.991 and 2.993 of this part, the center of the transmitted bandwidth shall be within the operating frequency band by an amount equal to 50 percent of the bandwidth utilized for the tests. In addition, said tests shall be made on at least one frequency in each of the bands within which the equipment is capable of tuning.

(c) Any supplier of an external radio frequency power amplifier kit as defined by § 97.3(z) of this chapter shall comply with the following requirements:

(1) Assembly of one unit of a specific type shall be made in exact accordance with the instructions being supplied with the product being marketed. If all of the necessary components are not normally furnished with the kit, assembly shall be made using the recommended components.

(2) The measurement data required for type acceptance shall be obtained for this unit and submitted with the type acceptance application. Unless otherwise requested, it is not necessary to submit this unit with the application.

(3) A copy of the exact instructions which will be provided for assembly of the equipment shall be provided in addition to other material required by § 2.983 of this part.

(4) The identification label required by §§ 2.925 and 2.1003 of this part shall be permanently affixed to the assembled unit and shall be of sufficient size so as to be easily read. The following information shall be shown on the label:

(Name of Grantee of Type Acceptance)

FCC ID: (The number assigned to the equipment by the Grantor)

This amplifier can be expected to comply with part 97 of the FCC Regulations when assembled and aligned in strict accordance with the instruction manual using components supplied with the kit or an exact equivalent thereof.

____

(Title and signature of responsible representative of Grantee)

STATEMENT OF COMPLIANCE

I state that I have constructed this equipment in accordance with the instruction manual and using the parts furnished by the supplier of this kit.

____

(Signature) (Date)

____

(Amateur call sign) (Class of license)

____

(Expiration date of license)

(To be signed by the person responsible for proper assembly of kit.)

(5) If requested, an unassembled unit shall be provided for assembly and test by the Commission. Shipping charges to and from the Commission's Laboratory shall be borne by the applicant for type acceptance.

(d) Type acceptance of external radio frequency power amplifiers and amplifier kits may be denied when denial serves the public interest, convenience and necessity by preventing the use of these amplifiers in services other than the Amateur Radio Service. Other uses of these amplifiers, such as in the Citizens Band Radio Service, are prohibited (CB Rule 21 of this chapter). Examples of features which may result in the denial of type acceptance are contained in § 97.77 of this chapter.

(Sec. 302, 82 Stat. 290; 47 U.S.C. 302; secs. 4, 303, 307, 48 Stat., as amended. 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[43 FR 12688, Mar. 27, 1978, as amended at 46 FR 18981, Mar. 27, 1981]

CERTIFICATION

§ 2.1031 Cross reference.

The general provisions of this subpart § 2.901 et seq. shall apply to applications for and grants of certification.

§ 2.1033 Application for certification.

(a) An application for certification shall be filed on FCC Form 731 with all questions answered. Items that do not apply shall be so noted.

(b) The application shall be accompanied by a technical report containing the following information:

(1) The full name and mailing address of the manufacturer of the device and the applicant for certification.

(2) FCC identifier.

(3) A copy of the installation and operating instructions to be furnished the user. A draft copy of the instructions may be submitted if the actual document is not available. The actual document shall be furnished to the FCC when it becomes available.

(4) A brief description of the circuit functions of the device along with a statement describing how the device operates. This statement should contain a description of the ground system and antenna, if any, used with the device.

(5) A block diagram showing the frequency of all oscillators in the device. The signal path and frequency shall be indicated at each block. The tuning range(s) and intermediate frequency(ies) shall be indicated at each block. A schematic diagram also is required for intentional radiators.

(6) A report of measurements of radiated and conducted emissions. This shall identify the test procedure used (e.g., indicate the FCC test procedure used or, if an alternate test procedure was used, a description of the test procedure and the reason it was necessary to use an alternate procedure), the date the measurements were made, the location where the measurements were made, and the device tested (model and serial number, if available). It shall also include a sample calculation showing how the obtained measurements were converted to the levels specified in the applicable rule sections.

(7) A sufficient number of photographs to clearly show the exterior appearance, the construction, the component placement on the chassis, and the chassis assembly. The exterior views shall show the overall appearance, the antenna used with the device (if any), the controls available to the user, and the required identification label in sufficient detail so that the name and FCC identifier can be read. In lieu of a photograph of the label, a sample label (or facsimile thereof) may be submitted together with a sketch showing where this label will be placed on the equipment. Photographs shall be 8 by 10 inches in size. Smaller photographs may be submitted provided they are sharp and clear, show the necessary detail, and are mounted on paper between 8 by 10½ inches and 8½ by 11 inches in size. A sample label or facsimile together with the sketch showing the placement of this label shall be on the same size paper.

(8) If the equipment for which certification is being sought must be tested with peripheral or accessory devices connected or installed, a brief description of those peripherals or accessories. The peripheral or accessory devices shall be unmodified, commercially available equipment.

(9) For equipment subject to the provisions of Part 15 of this chapter, the application shall indicate if the equipment is being authorized pursuant to the transition provisions in § 15.37 of this chapter.

(10) For a device used in decoding the Emergency Broadcast System Attention Signal, as defined in § 73.906 of this chapter, the value of the necessary voltage (RMS) or range of voltages of the attention signal to be applied to the input terminals of the decoder which will cause the desired-response of the device. In the event that input signals other than the attention signal (excluding signals which in combination form the attention signal), including signals outside this voltage range, will cause false responses by the device, a description of such signals and their input voltage levels that cause such false responses shall be specified in the application and appropriate warnings shall be included in the instructions furnished to the user. The susceptibility of the device to false responses and any lack of reliability in responding to the attention signal at input levels within the rated voltage range may be regarded by the

Commission as cause to deny certification.

(11) Applications for the certification of direct sequence spread spectrum transmitters under part 15 shall be accompanied by an exhibit demonstrating compliance with the processing gain provisions of § 15.257(e) of this chapter. Applications for the certification of frequency hopping transmitters under part 15 shall be accompanied by an exhibit describing compliance of the associated receiver or receivers with § 15.247(a)(1) of this chapter.

(c) For a composite system that incorporates only devices subject to certification, verification and/or notification and that are contained in a single enclosure, a separate application, FCC Form 731, shall be submitted with the appropriate fee for each type of device within the enclosure. At the option of the applicant, a single FCC identifier may be requested for that system. Fees are based on the number of devices and types of authorizations.

[39 FR 5919, Feb. 15, 1974, as amended at 39 FR 27803, Aug. 1, 1974; 41 FR 19948, May 14, 1976; 50 FR 36067, Sept. 5, 1985; 54 FR 17713, Apr. 25, 1989; 55 FR 28762, July 13, 1990]

§ 2.1035 [Reserved]

§ 2.1041 Measurement procedure.

The measurement procedures are specified in the rules governing the particular device for which certification is requested.

§ 2.1043 Changes in certificated equipment.

(a) Changes to the basic frequency determining and stabilizing circuitry (including clock or data rates), frequency multiplication stages, basic modulator circuit or maximum power or field strength ratings shall not be performed without application for and authorization of a new grant of certification. Variations in electrical or mechanical construction, other than these indicated items, are permitted provided the variations either do not affect the characteristics required to be reported to the Commission or the variations are made in compliance with the other provisions of this section.

(b) Two classes of permissive changes may be made in certificated equipment without requiring a new application for and grant of certification. Neither class of change shall result in a change in identification.

(1) A Class I permissive change includes those modifications in the equipment which do not degrade the characteristics reported by the manufacturer and accepted by the Commission when certification is granted. No filing with the Commission is required for a Class I permissive change.

(2) A Class II permissive change includes those modifications which degrade the performance characteristics as reported to the Commission at the time of the initial certification. Such degraded performance must still meet the minimum requirements of the applicable rules. When a Class II permissive change is made by the grantee, he shall supply the Commission with complete information and the results of tests of the characteristics affected by such change. The modified equipment shall not be marketed under the existing grant of certification prior to acknowledgement by the Commission that the change is acceptable.

(3) Permissive changes, as detailed above, shall be made only by the holder of the grant of certification. Changes by any party other than the grantee require a new application for and grant of certification.

(c) A grantee desiring to make a change other than a permissive change shall file an application on FCC Form 731 accompanied by the required fees. The grantee shall attach a description of the change(s) to be made and a statement indicating whether the change(s) will be made in all units (including previous production) or will be made only in those units produced after the change is authorized.

(d) A modification which results in a change in the identification with or without change in circuitry requires a new application for, and grant of certification. If the changes affect the characteristics required to be reported, a complete application shall be filed. If the characteristics required to be reported are not changed the abbreviated procedure of § 2.933 may be used.

[39 FR 27803, Aug. 1, 1974, as amended at 41 FR 19948, May 14, 1976; 54 FR 1699, Jan. 17, 1989; 54 FR 17714, Apr. 25, 1989; 54 FR 32339, Aug. 7, 1989]

§ 2.1045 Information required on identification label for certificated equipment.

(a) Each equipment for which a certification application is filed on or after May 1, 1981, shall be identified pursuant to §§ 2.925 and 2.926. The FCC Identifier for such equipment will be validated by the grant of certification issued by the Commission.

(b) For each equipment covered by a certification application filed before May 1, 1981, the identification label shall contain at least the following:

(1) The trade name. The trade name, if shown elsewhere on the equipment, shall be the same as that shown on the label.

(2) For consumer equipment (i.e., broadcast receivers, Part 15 walkie-talkies, and other equipment sold to the general public), the words "MODEL NO." followed by the number assigned to the equipment by the grantee. If the identification label contains other numbers in addition to that required by this paragraph, such as "SERVICE NO.," "CATALOG NO." or other similar terms, to avoid confusion with the identifier required by the Commission, the words "MODEL NO." may be preceded by the term "FCC DATA" to facilitate recognition of the identifying number used for FCC.

(3) For communications equipment (i.e., receivers and other equipment normally used at licensed stations) the words "FCC RECEIVER DATA" followed by the number assigned to the equipment by the grantee. The abbreviations "RCVR" or "RX" may be used in lieu of the word "RECEIVER."

NOTE: If the equipment is a transceiver having transmitting and receiving capability and a single identifier is assigned the marking of § 2.1003(b)(2) shall be used. If the transmitter part and the receiver part are assigned separate identifiers, the marking of § 2.1003(b)(2) shall be used for the transmitter part and the marking of § 2.1003(b)(2) or (3) shall be used for the receiver part.

(4) Any other statement or labelling requirement imposed by the rules governing operation of this equipment, except that statements of compliance with equipment approval rules or technical standards may appear in a clear and recognizable manner elsewhere on the equipment.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; sec. 302, 82 Stat., 290 (47 U.S.C. 154, 302, 303, 307))

[44 FR 17180, Mar. 21, 1979, as amended at 45 FR 71356, Oct. 28, 1980]

FILING FOR APPLICATION REFERENCE

§ 2.1061 Submission of technical information for application reference.

An application for station authorization in some services requires a detailed technical description of the equipment proposed to be used. In order to simplify the preparation and processing of applications by eliminating the need for the submission of equipment specifications with each application, the Commission will accept for application reference purposes detailed technical specifications of equipment designed for use in these services. Manufacturers desiring to avail themselves of this procedure should submit all information required by the application form and the rules for the services in which the equipment is to be used. An application for a station authorization submitted subsequent to such filing may refer to the technical information so filed.

§ 2.1063 Disclaimer re technical information filed for application reference.

Receipt by the Commission of data for application purposes does not imply that the Commission has made or intends to make any finding regarding the acceptability of the equipment for licensing and such equipment will not be included on the list of equipment acceptable for licensing. Each applicant is expected to exercise appropriate care in the selection of equipment to insure that the unit selected will comply with the rules governing the service in which it is proposed to operate.

§ 2.1065 Identification and changes in equipment information filed for application reference.

(a) Each type of equipment, for which information is filed for application reference purposes, shall be identified by a type number assigned by the manufacturer of the equipment. The type number shall consist of a series of Arabic numerals or capital letters or a combination thereof, and may include punctuation marks and spaces. The total of Arabic numerals, capital letters, punctuation marks and spaces in any assigned type number shall not exceed 17. The type number shall be shown on an identification plate or label affixed in a conspicuous place to such equipment.

(b) If the assignment of a different type number is required as a result of equipment modification, a new identification plate or label bearing the new type number shall be affixed to the modified equipment.

NOTE: It is recommended that such equipment be identified with a nameplate pursuant to § 2.925, except for deletion of the FCC Identifier, which will not be assigned to nor listed for such equipment.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, sec. 302, 82 Stat., 290 (47 U.S.C. 154, 302, 303))

[39 FR 28160, Aug. 5, 1974, as amended at 44 FR 17180, Mar. 21, 1979]

Subpart K—Importation of Devices Capable of Causing Harmful Interference

§ 2.1201 Purpose.

(a) In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, and in order to promote efficient use of the radio spectrum, the Commission has developed technical standards for radio frequency equipment. The technical standards applicable to individual types of equipment are found in that part of the rules governing the service wherein the equipment is to be operated. In addition to the technical standards, the rules governing the service may require that such equipment receive an equipment authorization from the Commission as a prerequisite for marketing and importing this equipment into the U.S.A. The marketing rules, § 2.801 et seq., were adopted pursuant to the authority in section 302 of the Communications Act of 1934, as amended (47 U.S.C. 302).

(b) The rules in this subpart set out the conditions under which radio frequency devices and subassemblies of radio frequency devices capable of causing harmful interference to radio communications, as defined in § 2.801 may be imported into the U.S.A.

NOTE: The term subassembly as used in this subpart shall mean chassis or other essentially completed device which requires the addition of cabinets, knobs, speakers or other similar minor attachments to complete the device for marketing. Subassembly shall not encompass individual components such as coils, condensers, IF strips, tubes, etc. which are used as replacements or which require considerable fabrication before a device subject to FCC marketing rules is produced.

(c) The provisions of this Subpart shall not apply to musical greeting cards, quartz watches and clocks, modules of quartz watches and clocks, radio frequency devices (including digital devices) whose radio frequency stage has a power consumption not exceeding 6 nW, hand-held calculators and electronic games that do not require connection to the AC power lines, and digital devices in which both the highest frequency generated and the highest frequency used are less than 1.705 MHz and that do not operate from the AC power lines or contain provisions for operation while connected to the AC power lines.

[41 FR 25904, June 23, 1976, as amended at 54 FR 17714, Apr. 25, 1989]

§ 2.1202 General requirement for entry into the U.S.A.

(a) A radio frequency device or radio frequency subassembly shall be refused entry or withdrawal for consumption into the Customs territory of the United States unless accompanied by a copy of FCC 740 certifying that the entry meets one of the conditions for entry set out in this subpart.

(b) A separate Form 740 shall be used for each separately identified device or subassembly regardless of quantity involved.

(c) The original of the Form 740 shall be sent to the Commission at the following address on or before the date the shipment is delivered to a U.S port of entry: Federal Communications Commission, Washington, D.C. 20554; Attention: Imports.

[41 FR 25904, June 23, 1976, as amended at 46 FR 52366, Oct. 27, 1981]

§ 2.1203 Entry and release when equipment authorization is required.

(a) A radio frequency device requiring an equipment authorization as a prerequisite for importation into the Customs territory of the U.S.A. shall be refused entry or withdrawal for consumption unless the entry papers for such shipment is accompanied by one copy of FCC Form 740 certifying that the appropriate equipment authorization has been issued by the FCC.

(b) The original of the Form 740 shall be sent to the Commission at the following address on or before the date the shipment is delivered to a U.S port of entry: Federal Communications Commission, Washington, D.C. 20554; Attention: Imports.

[46 FR 52366, Oct. 27, 1981]

§ 2.1205 Entry and release when equipment authorization is not required.

(a) A radio frequency device for which the Commission has established technical specifications, but for which equipment authorization is not required shall be refused entry or withdrawal for consumption into the Customs territory of the U.S. unless the entry papers for such shipment are accompanied by a copy of FCC Form 740 certifying that the device does not require an FCC equipment authorization and that the device complies with the applicable FCC technical specifications.

(b) The original of the Form 740 shall be sent to the Commission at the following address on or before the date the shipment is delivered to a U.S. port of entry: Federal Communications Commission, Washington, D.C. 20554; Attention: Imports.

(c) A subassembly (see § 2.1201(b)) which is designed to be included in a device ultimately subject to FCC regulations shall be refused entry or withdrawal for consumption into the Customs territory of the U.S. unless accompanied by one copy of the FCC Form 740 certifying that the necessary steps required to insure compliance with applicable FCC rules, including obtaining an equipment authorization, if required, shall be taken before the completed device is marketed.

(d) The original of the Form 740 shall be sent to the Commission at the following address on or before the date the shipment is delivered to a U.S. port of entry: Federal Communications Commission, Washington, D.C. 20554; Attention: Imports.

[46 FR 52366, Oct. 27, 1981]

§ 2.1207 Entry for test and evaluation.

A radio frequency device imported for the purpose of evaluation at industry trade shows under the restrictions of § 2.803 or to determine compliance with pertinent technical requirements may be released in limited quantities under a bond furnished in accordance with U.S. Customs Service regulations. The entry papers for such entries must be accompanied by one copy of FCC Form 740 certifying that the device is imported for the purpose of export and will not be offered for sale or otherwise marketed for use within the U.S.A.

[46 FR 52366, Oct. 27, 1981]

§ 2.1209 Entry for export.

(a) A radio frequency device imported solely for export may be released under a bond furnished in accordance with U.S. Customs Service regulations. The entry papers for such entries must be accompanied by one copy of FCC Form 740 certifying that the device is imported for the purpose of export and will not be offered for sale or otherwise marketed for use within the U.S.A.

(b) The original of the Form 740 shall be sent to the Commission at the following address on or before the date the shipment is delivered to a U.S. port of entry: Federal Communications Commission, Washington, D.C. 20554; Attention: Imports.

[46 FR 52366, Oct. 27, 1981]

§ 2.1211 Entry for Federal Government use.

(a) A radio frequency device or subassembly imported for use exclusively by the U.S. Government, or agency thereof, shall be accompanied by one copy of FCC Form 740 certifying this to be the case.

(b) The original of the Form 740 shall be sent to the Commission at the following address on or before the date the shipment is delivered to a U.S. port of entry: Federal Communications Commission, Washington, D.C. 20554; Attention: Imports.

[46 FR 52366, Oct. 27, 1981]

§ 2.1213 Entry for personal use.

An individual entering the U.S.A. with not more than three receivers for his own use may, in lieu of certifying compliance, declare that the receivers are for personal use and are not intended for sale. The U.S. Customs Service may waive the requirement of § 2.1202 for such entry.

[41 FR 25904, June 23, 1976]

§ 2.1215 Entry for repair or further fabrications.

(a) A radio frequency device or a subassembly thereof, imported for repair or further fabrication and which is then exported may be released under bond in accordance with U.S. Customs Service regulations. The entry papers for such entries must be accompanied by one copy of FCC Form 740 certifying this to be the case.

(b) The original of the Form 740 shall be sent to the Commission at the following address on or before the date the shipment is delivered to a U.S. port of entry: Federal Communications Commission, Washington, D.C. 20554; Attention: Imports.

[46 FR 52366, Oct. 27, 1981]

§ 2.1219 Non-complying equipment.

A radio frequency device, or subassembly thereof, which either does not comply with the applicable provisions of this chapter or the importer/consignee lacks sufficient information to certify compliance, shall be refused entry or withdrawal for consumption into the Customs territory of the U.S.A.

NOTE: The U.S. Customs Service has indicated that it will follow the procedure delineated below for such non-complying equipment.

(a) If any radio frequency device or subassembly thereof is denied entry under the provisions of §§ 2.1202, 2.1203 or § 2.1205, the District Director will refuse to release the shipment for entry into the United States, will detain such equipment at the importer's risk and expense, and shall issue a notice of such refusal to the importer or consignee.

(b) Alternatively, the importer consignee may complete (2) copies of FCC Form 740 and furnish a bond in accordance with U.S. Customs Service regulations to allow time for him to accomplish whatever is necessary to bring the device into compliance. Such entry shall be detained by the importer or consignee and must not be used or otherwise disposed of until (2) copies of the FCC Form 740, certifying that the equipment complies with applicable FCC rules, have been sent to the Commission.

(c) If the importer or consignee fails to demonstrate that the equipment entering under paragraph (b) of this section, has been brought into compliance within 90 days after entry, or within such additional time as may be allowed for good cause shown, he will at his risk and expense immediately deliver to the District Director of Customs the conditionally released equipment.

(d) In the event the equipment is not redelivered, the importer may be subject to criminal prosecution pursuant to sections 302, 501, and 502 of the Communications Act of 1934, as amended (47 U.S.C. 302, 501, 502), in addition to penalties assessed in accordance with U.S. Customs Service regulations.

(e) Equipment which is refused entry under this section or which is redelivered in accordance with the above described procedure and which is not exported under customs supervision within 90 days from date of notice of refusal of admission or date of redelivery will be disposed of under customs laws and regulations; provided, that such disposition will not result in an introduction into the U.S.A. which is in violation of the regulations in this chapter.

[41 FR 25904, June 23, 1976, as amended at 46 FR 52367, Oct. 27, 1981]

Subpart L—Registration of Telephone Terminal Equipment

REGISTRATION PROCEDURE

§ 2.1300 Cross reference.

The general provisions of this part, §§ 2.909, 2.923, 2.929, 2.935, 2.936, and 2.946 shall apply to applications for and grants of registration for telephone terminal equipment pursuant to part 68 of this chapter.

(Secs. 201-205, 208, 215, 218, 313, 314, 403, 410, 602, 48 Stat., as amended 1070-1072, 1073, 1076, 1077, 1087, 1094, 1099, 1102 47, U.S.C. 201-205, 208, 215, 218, 313, 314, 403, 410, 602)

[54 FR 1699, Jan. 17, 1989]

§ 2.1302 Application for registration under Part 68.

An original application for registration and two copies shall be filed on FCC Form 730 by the party who will be responsible for the conformance of the equipment with the standards specified in part 68 of this chapter and shall include the information specified by the form and in § 68.200 of this chapter.

(Secs. 201-205, 208, 215, 218, 313, 314, 403, 410, 602, 48 Stat., as amended 1070-1072, 1073, 1076, 1077, 1087, 1094, 1099, 1102; 47 U.S.C. 201-205, 208, 215, 218, 313, 314, 403, 410, 602)

[41 FR 8048, Feb. 24, 1976]

Subpart M—Advance Approval of Subscription TV Transmission Systems

ADVANCE APPROVAL PROCEDURE

§ 2.1400 Application for advance approval under Part 73.

(a) An original application for advance approval of a subscription TV (STV) system and one copy thereof must be filed by the party who will be responsible for the conformance of the system with the subscription TV standards specified in Part 73 of the Rules. The application must include information to show that the system conforms to the requirements of § 73.644(b).

(b) Advance approval may be applied for and granted in accordance with and subject to the following conditions and limitations:

(1) A separate request for each different technical system must be made by the applicant in writing.

(2) The applicant must certify that the application was prepared by or under the direction of the applicant and that the facts set forth are true and correct to the best of the applicant's knowledge and belief.

(3) The applicant must identify the technical system by a name or type number and define the system in terms of its technical characteristics; a functional block diagram must be included. In addition, a complete description of the encoded aural and visual baseband and transmitted signals and of the encoding equipment used by the applicant must be supplied. These descriptions must include equipment circuit diagrams and photographs, and diagrams or oscillographs of both baseband and transmitted aural and visual signal waveforms and of the signal basebands and occupied bandwidths. If aural subcarriers are to be used for transmitting aural portion of the subscription program, for decoder control, or for other purposes, a full description and specifications of the multiplex subcarrier signals and all modulation levels must be included.

(4) Preliminary test data must be submitted to show system capability with regard to compliance with the criteria set forth in § 73.644(b).

(5) The applicant must identify the specific requirements of §§ 73.682, 73.687 and 73.699 (Figures 6 and 7) from which the transmitted signal will normally deviate.

(6) The applicant must specify the method to be used in determining and maintaining the operating power of the transmitter if the procedures given in § 73.663 cannot be used due to suppression of the synchronizing pulses or for other reasons. If the operating power of the station must be

reduced to accommodate the encoded aural or video signal, the operating power limitations must be specified.

(7) The applicant must supply any additional information and test data requested by the FCC, to show to its satisfaction that the criteria given in § 73.644(b) are met.

(8) The information submitted by the applicant may be subject to check by field tests conducted without expense to the FCC or, if deemed necessary, at the laboratory or in the field by FCC personnel. This may include the actual submission of equipment for system testing under the provisions of § 2.945 of Part 2 of the Rules.

(9) No technical system will be deemed approved unless and until the FCC has notified the applicant in writing of the approval. Such notification of approval will be by letter to the applicant.

(10) Approval by the FCC is limited to a determination that the particular technical system (the scheme for encoding and decoding the subscription TV signal) is capable of meeting the criteria given in § 73.644(b).

(11) The FCC will maintain a listing of approved technical systems.

(c) Multichannel sound may be transmitted for stereophonic or bilingual service with encoded subscription programs provided the technical operating specifications for this service are included in the application for advance system approval.

(d) Subscriber decoder devices must comply with any applicable provisions of Subpart H, Part 15 of the FCC Rules for TV interface devices.

(e) No modifications may be made by either the applicant or the user of a system having advance FCC approval that would change any of the operating conditions as submitted in the application for advance approval. Should system modifications be necessary, a new application must be submitted in accordance with the requirements of this section.

[48 FR 56391, Dec. 21, 1983]

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

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AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply sec. 301, 48 Stat. 1081, as amended; 47 U.S.C. 301.

SOURCE: 28 FR 12506, Nov. 22, 1963, unless otherwise noted.

Subpart A—General

§ 5.1 Basis and purpose.

(a) The rules following in this part are promulgated pursuant to the provisions of Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations.

(b) The purpose of this part is to prescribe the manner in which parts of the radio frequency spectrum may be made available for experimentation as defined in this part and provided for.

§ 5.2 [Reserved]

§ 5.3 Definition of terms.

For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter (Frequency Allocations and Radio Treaty Matters; General Rules and Regulations).

(a) *Authorized frequency.* The frequency assigned to a station by the Commission and specified in the instrument of authorization.

(b) *Authorized power.* The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the International Telecommunication Union.

(c) *Experimental Radio Service.* A service in which Radio waves are employed for purposes of experimentation in the radio art or for purposes of providing essential communications for research projects which could not be conducted without the benefit of such communications.

(d) *Experimental Station.* A station utilizing radio waves in experiments with a view to the development of science or technique

(e) [Reserved]

(f) *Fixed service.* A service of radiocommunication between specified fixed points.

(g) *Fixed station.* A station in the fixed service.

(h) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the Table of Frequency Allocations and other provisions of Part 2 of this chapter.

(i) *Landing area.* As defined by Title I, section I (22) of the Civil Aeronautics Act of 1938, as amended, landing area means any locality, either of land or water, including airdromes and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(j) *Land station.* A station in the mobile service not intended for operation while in motion.

(k) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

(l) *Mobile station.* A station in a mobile service intended to be used while in motion or during halts at unspecified points.

(m) *Mean power of radio transmitter.* The power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation.

(n) *Peak power of a radio transmitter.* The mean power supplied to the antenna during one radio frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal operation.

(o) *Person.* An individual, partnership, association, joint stock company, trust, or corporation.

(p) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(q) *Radio service.* An administrative subdivision of the field of radio-communication. In an engineering sense, the subdivisions may be made according to the method of operation, as, for example, mobile service and fixed service. In a regulatory sense, the subdivisions may be descriptive of particular groups of licensees, as, for example, the groups of persons licensed under this part.

(r) *Station authorization.* Any construction permit, license, or special temporary authorization issued by the Commission.

[28 FR 12506, Nov. 22, 1963, as amended at 48 FR 52737, Nov. 22, 1983]

§ 5.4 General citizenship requirements.

A station license shall not be granted to or held by a foreign government or a representative thereof.

[40 FR 5366, Feb. 5, 1975]

§ 5.5 Transfer and assignment of station authorization.

A station authorization, the frequencies authorized to be used by the grantee of such authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such authorization, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing. Requests for authority to transfer or assign a station authorization shall be submitted on the forms prescribed by § 5.55.

Subpart B—Applications and Licenses

§ 5.51 Station authorization required.

(a) No radio transmitter shall be operated in the Experimental Radio Service except under and in accordance with a proper station authorization granted by the Federal Communications Commission.

(b) Persons desiring to install and operate radio transmitting equipment under this part should first submit an application for a radio station authorization in accordance with § 5.55.

(c) If installation and/or operation of the equipment may significantly impact the environment, see § 1.1307 of this chapter, an environmental assessment as defined in § 1.1311 of this chapter must be submitted with the application.

[41 FR 45007, Oct. 14, 1976, as amended at 48 FR 52737, Nov. 22, 1983; 55 FR [illegible], May 16, 1990]

§ 5.52 [Reserved]

§ 5.53 Filing of applications.

(a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Experimental Radio

Service are discussed in § 5.55 and may be obtained from the Washington, D.C., Office of the Commission, or from any of its engineering field offices. Concerning matters where no standard form is applicable, the informal application procedure outlined in § 5.55 (k) should be followed.

(b) Any application for radio station authorization and all correspondence relating thereto shall be submitted to the Commission's office at Washington, DC. (Applications requiring fees as set forth at part 1, subpart G of this chapter must be filed in accordance with § 0.401(b) of the rules.).

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed.

(d) Each application for station authorization shall be specific and complete with regard to station location, proposed equipment, power, antenna height, and operating frequency; and other information required by the application form and this part.

(e) Applications involving operation at temporary locations:

(1) When a land station or a fixed station is to remain at a single location for less than six months, the location is considered to be temporary and the procedure outlined in § 5.65 shall apply.

(2) When a land station or fixed station authorized to operate at temporary locations remains at a single location for more than six months, an application for modification of the station authorization to specify the permanent location shall be filed within thirty days after expiration of the six-month period.

(f) Unless otherwise specified in a particular case, only the original signed copy of the application shall be filed. Applications with facsimile signatures will not be accepted.

[28 FR 12506, Nov. 22, 1963, as amended at 40 FR 60033, Dec. 31, 1975; 48 FR 52737, Nov. 22, 1983; 55 FR 19172, May 8, 1990]

§ 5.54 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be submitted under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 5.55 Forms to be used.

(a) *Application for combined construction permit and radio station license for land stations and fixed stations.* A separate application shall be submitted on FCC Form 442 for each base station and each fixed station.

Whenever the proposed antenna exceeds 6 meters in height above the ground level or more than 6 meters in height above an existing building, the applicant must comply with the requirement of Part 17 of this chapter.

(b) *Application for combined construction permit and radio station license for mobile stations.* An application for each mobile station comprising any specified number of mobile units to be operated in the same service and within the same geographical area, including handcarried or packcarried units, may be combined into one application and shall be submitted on FCC Form 442.

NOTE: An application for mobile units may be combined with an application for a single base station for such mobile units as will operate with that base station only.

(c) *Application for modification of combined construction permit and station license.* An application for modification of station authorization shall be submitted on FCC Form 442. A blanket application for modification of a group of authorizations of the same class where the modifications requested are the same for all stations covered by the application. The individual stations covered by such application shall be clearly indentified therein. However, application for modification to change location of a base or fixed station shall be filed as a separate application.

(d) *Application for renewal of station authorization.* Application for renewal of station license shall be submitted on FCC Form 405. A blanket application may be submitted for renewal of a group of station licenses in the same class in those cases where the renewal requested is in exact accordance with the terms of the existing authorizations. The individual stations covered by such applications shall be clearly identified thereon. Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license to be renewed.

(e) *Application for consent to assignment of radio station authorization.* Application on FCC Form 702 shall be submitted when the legal right to construct or to control the use and operation of a station is to be transferred as a result of a voluntary act (contract or other agreement) or an involuntary act (death or legal disability) of the grantee of a station authorization or by involuntary assignment of the physical property constituting the station under a court decree in bankruptcy proceedings, or other court order, or by operation of law in any other manner. Such application must be accompanied by the FCC Form 442 of which only the certification need be signed by the proposed assignee. No other information is required to be submitted on this form.

(f) *Application for consent to transfer of control of Corporation holding radio station authorization.* Application for consent to transfer of control shall be submitted on FCC Form 703 whenever it is proposed to change the control of a corporation holding a station authorization.

(g) *Informal application.* (1) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted normally in letter form, and with the original signed in accordance with § 5.54. Each application shall be clear and complete within itself as to the facts presented and the action desired.

(2) An informal application for authority to operate transmitting equipment will be accepted only under the conditions set forth in § 5.56.

[41 FR 45007, Oct. 14, 1976, as amended at 48 FR 52737, Nov. 22, 1983]

§ 5.56 Procedure for obtaining a special temporary authorization.

(a) The Commission may issue a special temporary authorization under this part in cases where a need is shown for operation of an authorized station for a limited time only, in a manner other than that specified in the existing authorization, but not in conflict with the Commission's rules.

(b) An application for special temporary authorization may be filed as an informal application in the manner prescribed by § 5.55(k) and shall contain the following information:

(1) Name and address.

(2) Need for special action.

(3) Type of operation to be conducted.

(4) Purpose of operation.

(5) Time and date of proposed operation.

(6) Class of station, call sign of station, and nature of service.

(7) Location of proposed operation.

(8) Equipment to be used, including name of manufacturer, model and number of units.

(9) Frequency(ies) desired.

(10) Plate power input to final radio frequency stage.

(11) Type of emission.

(12) Overall height of antenna structure above ground.

(c) No request for special temporary authorization will be considered unless full particulars as to the purpose for which the request is made are stated.

[28 FR 12506, Nov. 22, 1963, as amended at 34 FR 3802, Mar. 5, 1969]

§ 5.57 Supplementary statements required.

(a) Each applicant for an authorization in the Experimental Radio Service must enclose with the application a narrative statement describing in detail the program of research and experimentation proposed, the specific objectives sought to be accomplished; and how the program of experimentation has a reasonable promise of contribution to the development, extension, or expansion, or utilization of the radio art, or is along lines not already investigated. An applicant may request non-disclosure of proprietary information submitted under this part. These requests should follow the procedures for submission set forth in § 0.459 of this chapter.

(b) Applications involving government contracts. In addition to the requirement of paragraph (a) of this section, if the authorization is to be used for the purpose of fulfilling the requirements of a contract with an agency of the United States Government, the applicant shall submit the name of the contracting agency and the contract number.

(c) Applications involving development of equipment for export purposes. In addition to the requirements of paragraph (a) of this section, if the authorization is to be used for the purpose of developing equipment for exportation to be employed by stations under the jurisdiction of a foreign government, the applicant shall submit the contract number and the name of the foreign government concerned.

(d) *Applications involving communications essential to a research project.* The provisions of paragraph (a) of this section shall not be applicable to applications for an authorization in the Experimental Radio Service to be used for communications essential to a research project. Applicants in this service shall include as a part of the application for an authorization the following:

(1) A description of the nature of the research project being conducted.

(2) A showing that communication facilities are necessary for the research project involved.

(3) A showing that existing communication facilities are inadequate.

[41 FR 45008, Oct. 14, 1976, as amended at 48 FR 52737, Nov. 22, 1983]

§ 5.58 Partial grants.

Where the Commission without a hearing grants any application in part, or with any privileges, terms, or conditions other than those requested, or subject to any interference that may result to a station if designated application or applications are subsequently granted, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 5.59 Defective applications.

(a) Applications which are defective with respect to completeness of answers to required questions, execution or other matters of a purely formal character will not be received for filing by the Commission, and will be returned to the applicant with a brief statement as to the omissions.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied either (1) by a petition to amend any rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

§ 5.60 Amendment or dismissal of applications.

(a) Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment to, or request for dismissal of an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All subsequent correspondence or other material which the applicant desires to have incorporated as a part of an application already filed shall be submitted in the form of an amendment to the application.

(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice where an application has not yet been designated for hearing; such dismissal may be made with prejudice after an application has been designated for hearing.

§ 5.61 [Reserved]

§ 5.62 Licenses required for separate experimental projects.

A separate station license will be required for each class of station in the Experimental Radio Service. Application for a class of station embracing widely divergent and unrelated experimentations normally will require a separate license for each phase of the experimental program: *Provided, however,* That the Commission may, when circumstances warrant, issue a single license embracing the entire project.

[28 FR 12506, Nov. 22, 1963, as amended at 48 FR 52737, Nov. 22, 1983]

§ 5.63 License period.

(a) The basic license period for stations in the Experimental Radio Services is 2 years.

(b) A license will not be granted for a period longer than that which is required for completion of the experimental project. If such period is estimated to be less than 2 years, a statement to that effect by the applicant may facilitate a grant of the application. See also § 5.58.

(c) The expiration dates for licenses in the Experimental Radio Service will be distributed over the 12 calendar months, in accordance with the alphabetical distribution of the names of licensees. Hence, an initial license may be granted for a basic period of 1½ to 2½ years, depending on the date of grant and the alphabetical position of the name of the licensee.

[32 FR 1129, Feb. 1, 1967, as amended at 48 FR 52737, Nov. 22, 1983]

§ 5.64 Change in equipment.

(a) A change may be made in a licensed transmitter without specific authorization from the Commission provided: (1) The change does not result in operation inconsistent with any term of the outstanding authorization for the station involved; and (2) a description of the change is incorporated in the next application for renewal or modification of license.

(b) Prior authorization from the Commission is required before the following antenna changes may be made at a station at a fixed location:

(1) Any change which will either increase the height of a structure supporting the radiating portion of the antenna or decrease the height of a lighted antenna structure.

(2) Any change in the location of an antenna when such relocation involves

a change in the geographic coordinates of latitude or longitude by as much as one second, or when such relocation involves a change in street address.

§ 5.65 Operation at a temporary location.

(a) An application for authority to operate at temporary locations shall specify the general geographical area within which the operation will be confined.

(b) When a station is authorized to operate at temporary locations, the following notification procedure shall be followed:

(1) When the station is placed in operation for the first time, the Engineer in Charge of the Radio District(s) involved shall be notified.

(2) When the station is moved from one location to another, the Engineer in Charge of the Radio District(s) involved shall be notified.

§ 5.66 Discontinuance of station operation.

In case of a permanent discontinuance of operation of a fixed or land station in the Experimental Radio Service, or in case of permanent discontinuance of operation of all transmitter units listed in the license for a mobile station in the Experimental Radio Service, the licensee shall forward the station license to the Washington, D. C., office of the Commission for cancellation. A copy of the request for cancellation of the license shall be forwarded to the Commission's Engineer in Charge of the radio district in which the station is located.

[28 FR 12506, Nov. 22, 1963, as amended at 48 FR 52737, Nov. 22, 1983]

§ 5.67 Policy governing the assignment of frequencies.

(a) Each frequency or band of frequencies, available for assignment to stations in the Experimental Radio Service is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant, and such use may also be restricted to one or more specified geographical areas. Normally not more than one frequency in a band of frequencies will be assigned for the use of a single applicant unless a showing is made demonstrating that need for the assignment of additional frequencies is essential to the proposed program of experimentation.

(b) Frequency assignments will be made only on the condition that harmful interference will not be caused to any station operating in accordance with the Table of Frequency Allocation of Part 2 of this chapter.

(c) The frequencies available for use in the Experimental Radio Service are set forth in § 5.203.

(d) Protection for Federal Communications Commission monitoring stations:

(1) Applicants in the vicinity of an FCC monitoring station for a radio station authorization to operate new transmitting facilities or changed transmitting facilities which would increase the field strength produced over the monitoring station over that previously authorized are advised to give consideration, prior to filing applications, to the possible need to protect the FCC stations from harmful interference. Geographical coordinates of the facilities which require protection are listed in § 0.121(c) of the Commission's Rules. Applications for stations (except mobile stations) which will produce on any frequency a direct wave fundamental field strength of *greater than 10 mV/m* in the authorized bandwidth of service (-65.8 dBW/m^2 power flux density assuming a free space characteristic impedance of 120 ohms) at the referenced coordinates, may be examined to determine extent of possible interference. Depending on the theoretical field strength value and existing root-sum-square or other ambient radio field signal levels at the indicated coordinates, a clause protecting the monitoring station may be added to the station authorization.

(2) In the event that calculated value of expected field exceeds 10 mV/m (-65.8 dBW/m^2) at the reference coordinates, or if there is any question whether field strength levels might exceed the threshold value, advance consultation with the FCC to discuss any protection necessary should be considered. Prospective applicants may communicate with: Chief, Field Operations Bureau, Federal Communi-

cations Commission, Washington, D.C. 20554, Telephone (202) 632-6980.

(3) Advance consultation is suggested particularly for those applicants who have no reliable data which indicates whether the field strength or power flux density figure indicated would be exceeded by their proposed radio facilities (except mobile stations). In such instances, the following is a suggested guide for determining whether an applicant should coordinate:

(i) All stations within 2.4 kilometers (1.5 statute miles);

(ii) Stations within 4.8 kilometers (3 statute miles) with 50 watts or more average effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the Monitoring Stations.

(iii) Stations within 16 kilometers (10 statute miles) with 1 kW or more average ERP in the primary plane of polarization in the azimuthal direction of the Monitoring Station;

(iv) Stations within 80 kilometers (50 statute miles) with 25 kW or more average ERP in the primary plane of polarization in the azimuthal direction of the Monitoring Station;

(4) Advance coordination for stations operating above 1000 MHz is recommended only where the proposed station is in the vicinity of a monitoring station designated as a satellite monitoring facility in § 0.121(c) of the Commission's Rules and also meets the criteria outlined in paragraphs (d)(2) and (3) of this section.

(5) The Commission will not screen applications to determine whether advance consultation has taken place. However, applicants are advised that such consultation can avoid objections from the Federal Communications Commission or modification of any authorization which will cause harmful interference.

[28 FR 12506, Nov. 22, 1963, as amended at 44 FR 77176, Dec. 31, 1979; 48 FR 52737, Nov. 22, 1983]

§ 5.68 Cancellation provisions.

The applicant for a station in the Experimental Radio Services accepts the license with the express understanding: (a) That the authority to use the frequency or frequencies assigned is granted upon an experimental basis only and does not confer any right to conduct an activity of a continuing nature; and (b) that said grant is subject to change or cancellation by the Commission at any time without hearing if in its discretion the need for such action arises.

[28 FR 12506, Nov. 22, 1963, as amended at 48 FR 52737, Nov. 22, 1983]

§ 5.69 Notification to the National Radio Astronomy Observatory.

In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, West Virginia, any applicant for a station authorization other than mobile, temporary base, temporary fixed, Personal Radio, Civil Air Patrol, or Amateur seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15′ N on the north, 78°30′ W on the east, 37°30′ N on the south and 80°30′ W on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box #2, Green Bank, West Virginia, 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the twenty-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval

Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

[42 FR 8329, Feb. 9, 1977]

Subpart C—Technical Standards

§ 5.101 Frequency stability.

If an applicant proposes to use a frequency tolerance greater than the tolerance set forth in the rules governing the service to which the frequencies are assigned in the Table of Frequency Allocations of Part 2 of this chapter, the frequency tolerance should be provided as part of the filing in the application for a station license.

[48 FR 52738, Nov. 22, 1983]

§ 5.102 Types of emission.

(a) Stations in the Experimental Radio Service may be authorized to use any of the classifications of emissions covered in Part 2 of this chapter.

[28 FR 12506, Nov. 22, 1963, as amended at 48 FR 52737, Nov. 22, 1983]

§ 5.103 Authorized bandwidth.

Each authorization issued to a station operating in this service will show, as the prefix to the emission classification, a figure specifying the maximum necessary bandwidth in kilohertz for the emission used. The authorized bandwidth is considered to be the occupied or necessary bandwidth whichever is greater. This bandwidth should be determined in accordance with § 2.202 of Part 2 of this chapter.

[48 FR 52738, Nov. 22, 1983]

§§ 5.104—5.105 [Reserved]

§ 5.106 Transmitter control requirements.

Each licensee shall be responsible for maintaining control of the transmitter authorized under its station authorization. This includes both ensuring that transmissions are in conformance with the operating characteristics prescribed in the station authorization and that the station is operated only by persons duly authorized by the licensee.

[48 FR 52738, Nov. 22, 1983]

§ 5.107 [Reserved]

§ 5.108 Wildlife tracking and ocean buoy tracking operations.

Except as provided in §§ 5.101, 5.102, 5.103 and § 5.106, the use of frequencies in the bands 40.66-40.70 MHz and 216-220 MHz for the tracking of and telemetry of scientific data from ocean buoys and animal wildlife are subject to the following conditions:

(a) All transmitters used at stations first licensed after February 18, 1975, shall comply with the technical requirements in paragraph (b) of this section and shall be type accepted as provided in § 5.109.

(b) Technical requirements for transmitters used for these operations are as follows:

(1) In the 40.66-40.70 MHz frequency band, the bandwidth required for frequency tolerance plus the occupied bandwidth of any emissions must be adjusted so as to be confined within this band, except as permitted by paragraph (b)(6) of this section.

(2) In the 216-220 MHz frequency band, the carrier frequency shall be maintained within 0.005 percent of the assigned frequency.

(3) Classes of emission will be limited to A0, A1, A2, F1, F2 and/or F9.

(4) Occupied bandwidth shall not exceed 1 kHz.

(5) The maximum carrier power shall not exceed 1 milliwatt for airborne wildlife applications, 10 milliwatts for terrestrial wildlife applications and 100 milliwatts for ocean buoys.

(6) The mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the schedule shown in § 5.103(b) of this subpart.

[40 FR 2814, Jan. 16, 1975; 40 FR 6474, Feb. 12, 1975; 48 FR 52738, Nov. 22, 1983]

§ 5.109 Acceptability of transmitters for licensing.

All transmitters used at stations licensed for wildlife and ocean buoy tracking and telemetering operations pursuant to § 5.108 shall be type accepted or notified pursuant to Subpart J of Part 2 of this chapter. After March 5, 1984, only grants of notification will be issued for equipment authorized for use in this service.

(Secs. 4(i), 302, 303(e) 303(f) and 303(r) of the Communications Act of 1934, as amended)

[49 FR 3996, Feb. 1, 1984]

Subpart D—Operating Requirements

§ 5.151 General limitations on use.

(a) The following transmission limitations are applicable to all classes of stations in the Experimental Radio Service:

(1) Stations may make only such transmissions as are necessary and directly related to the conduct of the licensee's stated program of experimentation as specified in this application for construction permit and license and the related station instrument of authorization, and as governed by the provisions of the rules and regulations contained in this part. All transmissions shall be limited to the minimum practical transmission time.

(2) When transmitting, the licensee must use every precaution to insure that the radio frequency energy emitted will not cause harmful interference to the services carried on by stations operating in accordance with the Table of Frequency Allocations of Part 2 of this chapter and, further, that the power radiated is reduced to the lowest practical value consistent with the program of experimentation for which the station authorization is granted. If harmful interference to an established radio service develops, the licensee shall cease transmissions and such transmissions shall not be resumed until it is certain that harmful interference will not be caused.

(b) If experimental stations are to be used to retransmit signals of any other station or to transmit programs intended for public reception or render any communications service, a full disclosure of this must be made in the application for license.

[28 FR 12506, Nov. 22, 1963, as amended at 48 FR 52738, Nov. 22, 1983]

§ 5.152 Station identification.

Each class of station in the experimental services shall, unless specifically exempted by the terms of the station authorization, transmit its assigned call sign at the end of each complete transmission: *Provided, however*, That the transmission of the call sign at the end of each transmission is not required for projects requiring continuous, frequent, or extended use of the transmitting apparatus, if, during such periods and in connection with such use, the call sign is transmitted at least once every thirty minutes.

§ 5.153 Suspension of transmission required.

The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmissions concerning the immediate safety of life or property, in which case the transmissions shall be suspended as soon as the emergency is terminated.

§ 5.154 [Reserved]

§ 5.155 Operator requirements.

(a) The licensee shall ensure that all transmitter adjustments which affect the proper operation of a station shall be made by a person qualified to perform such adjustments.

(b) The licensee shall be responsible for ensuring that the person operating the transmitter is qualified to operate said station.

(c) When transmitting radiotelegraphy by any type of Morse Code, the operator shall have proved his ability to transmit by hand and receive by ear texts in Morse Code signals.

(d) The provisions of this section shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them, or for proper functioning and operation of those stations in accordance with the terms of the licenses of those stations.

[48 FR 52738, Nov. 22, 1983]

§ 5.156 [Reserved]

§ 5.157 Posting station licenses.

(a) The current original authorization for each station shall be retained as a permanent part of the station records but need not be posted.

(b) A clearly legible copy of the authorization for each station at a fixed location shall be posted at every control point of the station.

[44 FR 29071, May 18, 1979]

§ 5.158 Authorized points of communication.

Stations in the Experimental Radio Service may communicate only with other stations licensed in the Experimental Radio Service: *Provided, however,* That upon a satisfactory showing that the proposed communications are essential to the conduct of the research project, authority may be granted to communicate with stations in other services and U.S. Government stations.

[28 FR 12506, Nov. 22, 1963, as amended at 48 FR 52737, Nov. 22, 1983]

§ 5.159 Operation during an emergency.

(a) The licensee of any station in the Experimental Radio Service may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service, subject to other provisions of this section, by communicating in a manner other than that specified in the station license.

(b) As soon as possible after the beginning of such emergency use, notice shall be sent to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put.

(c) The emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available.

(d) The Commission at Washington, D.C., and the Engineer in Charge shall be notified immediately when such special use of the station is terminated.

(e) In no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law.

(f) The Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

[28 FR 12506, Nov. 22, 1963, as amended at 48 FR 52737, Nov. 22, 1983]

§ 5.160 Inspection of stations.

All stations and records of stations in the Experimental Radio Service shall be made available for inspection at any time while the station is in operation or shall be made available for inspection upon reasonable request of an authorized representative of the Commission.

[28 FR 12506, Nov. 22, 1963, as amended at 48 FR 52737, Nov. 22, 1983]

§ 5.161 Inspection and maintenance of tower marking and lighting and associated control equipment.

The licensee of any radio station which has an antenna structure required to be painted and illuminated pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, and Part 17 of this chapter, shall perform the inspections and maintain the tower marking and lighting, and associated control equipment, in accordance with the requirements of §§ 17.43 through 17.57 of this chapter.

[34 FR 3802, Mar. 5, 1969]

§ 5.162 Notice of violation.

(a) Any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter, shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within such 10-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge shall be given.

§ 5.163 Content of station records.

(a) The licensee of each station in the Experimental Radio Service shall maintain adequate records of the station's operations, including:

(1) Dates and hours of operation.

(2) All measurements of the frequency(ies), including the name of the person making the measurements, the exact frequency measured or the observed deviations from the assigned frequency(ies) expressed in Hertz, kilohertz or percent plus or minus, and a statement of any corrective action taken.

(3) Power.

(4) Types of emission.

(5) Chronological record of experimentation conducted.

(6) The name of the operator on duty.

(b) For all stations, when service or maintenance duties are performed which may affect their proper operation, the responsible operator shall sign and date an entry in the station record concerned, giving:

(1) Pertinent details of all duties performed by the operator or under the operator's supervision; and

(2) The operator's name and address.

(c) For stations whose antenna structure is required to be illuminated, a record in accordance with the requirements of § 17.49 of this chapter.

[28 FR 12506, Nov. 22, 1963, as amended at 34 FR 3802, Mar. 5, 1969; 35 FR 5618, Apr. 7, 1970; 46 FR 52737 and 52738, Nov. 22, 1981]

§ 5.164 Form of station records.

(a) The records shall be kept in an orderly manner, in suitable form, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

(b) Each entry in the record shall be signed by a person having actual knowledge of the facts to be recorded.

(c) No record or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the persons originating the entry, who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

(d) A copy of this part shall be maintained in the records of each fixed or land station licensed under this part.

§ 5.165 Retention of station records.

Records required to be kept by this part shall be retained by the licensee for a period of at least one year.

§ 5.166 Adherence to program of resea

(a) The program of experimentation as stated by an applicant in its application for construction permit or license or in the station instrument of authorization, shall be substantially adhered to unless the licensee is authorized to do otherwise by the Commission.

(b) Where some phases of the experimental program are not covered by the general rules of the Commission or by the rules of this part, the Commission may specify supplemental or add tional requirements or conditions in each case as deemed necessary in the public interest, convenience, or necessity.

Subpart E—Experimental Authorizations

SOURCE: 48 FR 52738, Nov. 22, 1983, unless otherwise noted.

§ 5.201 Eligibility of license.

(a) Authorizations for stations in the Experimental Radio Service will be issued only to persons qualified to conduct experimentations utilizing hertzian waves for scientific or technical operation data directly related to a use of radio not provided by existing rules; for communications in connection with research projects when existing communication facilities are inadequate.

(b) Applicants eligible for authorizations in an established service, and seeking to develop operational data or techniques directed toward the improvement or extension of that service shall file applications and conduct such projects under the developmental rules of the established service.

§ 5.202 Scope of service.

Stations operating in the Experimental Radio Service will be permitted to conduct the following type of operations:

(a) Experimentations in scientific or technical radio research.

(b) Experimentations under contractual agreement with the Unites Stated Government, or for export purposes.

(c) Communications essential to a research project.

(d) Technical demonstrations of equipment or techniques.

(e) Field strength surveys by persons not eligible for authorization in any other service.

(f) Demonstration of equipment to prospective purchasers for proposed stations in existing services by persons engaged in the business of selling radio equipment.

(g) Testing of equipment in connection with production or type approval of such equipment.

(h) Development of radio technique, equipment or engineering data not relating to an existing or proposed service, including field or factory testing or calibration of equipment.

(i) Development of radio technique, equipment, operational data or engineering data related to an existing or proposed radio service.

(j) Limited market studies.

(k) Other types of experiments that are not specifically covered under paragraphs (a) through (j) of this section will be considered.

§ 5.203 Frequencies for the Experimental Radio Service.

Stations operating in the Experimental Radio Service may be authorized to use any government or non-government frequency designated in the Table of Frequency Allocations set forth in Part 2 of this chapter as available for assignment to this service. Provided that the need for the specific frequency(ies) requested is fully justified by the applicant.[1]

§ 5.204 Experimental report.

(a) Unless specifically stated as a condition of the authorization, licensees are not required to file a report on the results of the experimental program carried on under this subpart.

(b) The Commission may, as a condition of authorization, request the licensee to forward periodic reports in order to evaluate the progress of the experimental program.

(c) An applicant may request that the commission withhold from the public certain reports and associated material and the Commission will withhold the same unless the public interest requires otherwise.

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[1] Notwithstanding the broad frequency provision for this Service, applicants desiring authorization for the purpose of wildlife or ocean buoy telemetering and/or tracking should, to the extent practicable, use frequencies in the bands 40.66-40.70 MHz or 216-220 MHz, in accordance with footnote US210 to the Table of Frequency Allocations, § 2.106 of this chapter. Transmitters to be used in these bands for this purpose shall comply with the requirements set forth in § 5.108 of this part.

§ 5.205 Frequencies for field strength surveys or equipment demonstrations.

(a) Authorizations issued under § 5.202(e) and (f) will normally not have specific frequencies designated in a station license. Prior to the commencement of a survey or demonstration, the licensee will request a specific frequency assignment and submit the following information:

(1) Time, date and duration of survey.

(2) Frequency to be used.

(3) Location of transmitter and geographical area to be covered.

(4) Purpose of survey.

(5) Method and equipment to be used.

(6) Names and addresses of persons for whom the survey is conducted.

(b) Upon receipt of authority from the Commission to conduct a particular survey, the licensee shall furnish the Engineer-in-Charge of the radio district in which the survey is to be conducted, sufficiently in advance to assure receipt before commencement thereof, the following information: Time, date, duration, frequency, location of transmitter, area to be covered, and purpose of survey.

§ 5.206 Limited market studies.

Unless otherwise stated in the instrument of authorization, licenses granted for the purpose of limited market studies pursuant to § 5.202(j) are subject to the following conditions:

(a) All transmitting and/or receiving equipment used in the study shall be owned by the licensee.

(b) The licensee is responsible for informing anyone participating in the experiment that the service or device is granted under an experimental authorization and is strictly temporary.

(c) The size and scope of the market study may be subject to limitations on a case-by-case basis as the Commission shall determine.

Subparts F–G [Reserved]

Subpart H—Student Authorizations

§ 5.401 Eligibility for license.

The Commission may issue an authorization under this subpart to students for the purpose of presenting experiments or technical demonstrations for school or school approved projects which require the use of radio for a limited period of time. Such authorizations may, in the discretion of the Commission, be granted to students of seventh grade or higher level.

§ 5.402 Filing of applications.

(a) Notwithstanding the requirements in Subpart B of this part, an application for a student authorization may be filed in letter form, in duplicate, with the original signed. The application shall contain the information set forth in paragraph (b) of this section.

(b) The application shall contain the following information:

(1) Name and address of applicant.

(2) A statement that the applicant is a citizen of the United States.

(3) Applicant's school and grade.

(4) A detailed description in narrative form of the project including the type and purpose of operation.

(5) Place of operation—street address, name of building, or other specific location.

(6) Date(s) of operation including the exact hours, when known, as well as the duration of each period of operation.

(7) Equipment to be used. If manufactured, list name of manufacturer and type number. For other equipment, describe in detail and furnish a circuit diagram.

(8) Frequency(ies) desired and range of frequencies which could be employed.

(9) The method by which the frequency of operation will be determined.

(10) Frequency tolerance.

(11) The means by which this tolerance will be maintained.

(12) DC plate power input to final radio frequency stage. If not known, indicate any known power rating of equipment and state whether this is power output of transmitter or radiated power, and whether average or peak.

(13) Type of emission including a description of the modulation that will be applied, if modulated.

(14) Description of the antenna to be used, including height above ground.

(c) The application shall be accompanied by a signed statement from the principal of the school, or a member of its faculty, on appropriate letterhead, stating that the project has the approval of the school and indicating the person under whose general supervision the project will be conducted.

§ 5.403 Waiver of construction permit.

Subject to the requirements of §§ 5.401 and 5.402, the provisions contained in section 319(d) of the Communications Act are waived insofar as such provisions require the issuance of a construction permit prior to the issuance of the student authorization provided for in this subpart.

§ 5.404 [Reserved]

§ 5.405 Power limitation.

No authorization under this subpart will be issued unless the description of the project shows that the dc plate power input to the final radio frequency stage does not exceed 5 watts: *Provided, however,* That a greater power may be authorized if a satisfactory showing is made that such greater power is necessary and that appropriate measures will be taken to prevent interference.

§ 5.406 Frequencies.

(a) Frequencies in the following bands are available for assignment in authorizations issued under this subpart:

27.23-27.28 MHz.
460-461 MHz.
462.525-467.475 MHz.
2450-2500 MHz.

(b) In each case, the carrier frequency must be far enough inside the band so as to keep the sideband energy within the band limits specified.

[28 FR 12506, Nov. 22, 1963, as amended at 35 FR 5618, Apr. 7, 1970]

§ 5.407 Measurements required.

The frequency of operation must be measured or checked prior to each time of operation.

§ 5.408 Waiver of technical and operating requirements.

Subject to the provisions of §§ 5.405, 5.406, and 5.407, the provisions in Subparts C and D of this part are waived insofar as such provisions require a station authorized under this subpart to observe the technical and operating requirements set forth therein.

§ 5.409 Noninterference condition.

Each authorization issued to a student under this subpart is subject to the condition that no harmful interference, as defined in § 5.3(h), is caused to any authorized station.

[38 FR 12744, May 15, 1973]

§ 5.410 Record of operation.

(a) The licensee holding an authorization issued under this subpart shall maintain a record of operation containing the following information:

(1) The date and time of each period of operation.

(2) The frequency of operation as measured or checked at the beginning of each period of operation.

(3) A brief description of the experimentation being conducted.

(b) Each entry shall be signed by the person operating the equipment.

(c) These records shall be retained for one month after the termination of the authorization.

§ 5.411 Notification.

(a) The holder of an authorization issued under this subpart shall notify the Engineer in Charge of the district in which the station will be operated in advance of each scheduled operation.

(b) The notice to the Engineer in Charge shall be in writing and shall contain the following information:

(1) Place of operation.

(2) Date(s) of operation, including exact time if known.

(3) Frequency(ies) to be used.

(4) Call letters of station.

PART 13—COMMERCIAL RADIO OPERATORS

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AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303.

SOURCE: 28 FR 12515, Nov. 22, 1963, unless otherwise noted.

GENERAL

§ 13.1 Basis and purpose.

(a) *Basis.* The basis for the rules contained in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party.

(b) *Purpose.* The purpose of the rules in this part is to prescribe the manner and conditions under which commercial radio operators are licensed by the Commission.

[49 FR 20668, May 16, 1984]

§ 13.2 Classification of operator licenses and endorsements.

(a) Commercial radio operator licenses issued by the Commission are classified in accordance with the Radio Regulations of the International Telecommunications Union.

(b) The following licenses are issued by the Commission. International classification, if different from the license name, is given in parenthesis.

(1) First Class Radiotelegraph Operator's Certificate.

(2) Second Class Radiotelegraph Operator's Certificate.

(3) Third Class Radiotelegraph Operator's Certificate (radiotelegraph operator's special certificate).

(4) General Radiotelephone Operator License (radiotelephone operator's general certificate).

(5) Marine Radio Operator Permit (radiotelephone operator's restricted certificate).

(6) Restricted Radiotelephone Operator Permit (radiotelephone operator's restricted certificate).

(c) The following license endorsements are affixed by the Commission to provide special authorizations or restrictions. Applicable licenses are given in parenthesis.

(1) Ship Radar endorsement (First and Second Class Radiotelegraph Operator's Certificates, General Radiotelephone Operator License).

(2) Six Months Service endorsement (First and Second Class Radiotelegraph Operator's Certificates).

(3) Restrictive endorsements; relating to physical handicaps, English language or literacy waivers, or other matters (all licenses).

(d) The following former licenses and endorsements are no longer issued; however, those outstanding are valid until expiration. Upon renewal, holders of these former licenses may be issued one or more of the licenses listed in paragraph (a), in accordance with § 13.28.

(1) Radiotelephone First Class Operator License—last issued December 1981.

(2) Radiotelephone Second Class Operator License—last issued December 1981.

(3) Radiotelephone Third Class Operator Permit—last issued October 1980.

(4) Broadcast endorsement—last issued February 1979.

[49 FR 20668, May 16, 1984]

§ 13.3 Holding of more than one commercial radio operator license.

(a) No person may hold two or more commercial radiotelegraph operator licenses at the same time.

(b) No person may hold two or more commercial radiotelephone operator licenses at the same time, except as provided in paragraphs (c) and (d) of this section.

(c) Each person who is legally eligible for employment in the United States may, if necessary, simultaneously hold:

(1) One General Radiotelephone Operator License and one Restricted Radiotelephone Operator Permit; or,

(2) One Marine Radio Operator Permit and one Restricted Radiotelephone Operator Permit.

(d) Each person who is not legally eligible for employment in the United States, and certain other persons who were issued permits prior to September 13, 1982, may hold two Restricted Radiotelephone Operator Permits at the same time, as each permit may authorize the operation of a particular station or class of stations.

[47 FR 53379, Nov. 26, 1982, as amended at 49 FR 20669, May 16, 1984]

§ 13.4 Term of licenses.

(a) Commercial radio operator licenses are normally valid for a term of five years from the date of issuance, except as provided in paragraph (b) of this section.

(b) General Radiotelephone Operator Licenses and Restricted Radiotelephone Operator Permits are normally valid for the lifetime of the holder. The terms of all Restricted Radiotelephone Operator Permits issued prior to November 15, 1953, and valid on that date, were extended to encompass the lifetime of such operators.

[49 FR 20669, May 16, 1984]

§ 13.5 Eligibility for new license.

(a) The following, if found qualified by the Commission, may be issued commercial radio operator licenses:

(1) Any person legally eligible for employment in the United States, including all U.S. citizens, U.S. nationals, and citizens of the Trust Territory of the Pacific Islands.

(2) Any person, for the sole purpose of operating aircraft radio stations, who holds:

(i) A valid United States pilot certificate; or,

(ii) A foreign aircraft pilot certificate valid in the United States, provided that the foreign government involved has entered into a reciprocal agreement under which such foreign government does not impose any similar requirement relating to eligibility for employment upon citizens of the United States.

(3) Any person who holds a Federal Communications Commission radio station license, for the sole purpose of operating that station.

(b) Notwithstanding any other provisions of the Commission's rules, no person otherwise eligible shall be deemed to be eligible to be examined for or to receive a commercial radio operator license of any class, (1) whose commercial radio operator license is under suspension or is involved in a suspension proceeding, (2) who is involved in any pending litigation based on an alleged violation of the Communications Act of 1934, as amended, or (3) who is afflicted with complete deafness or complete muteness or complete inability for any other reason to transmit correctly and to receive correctly by telephone spoken messages in English.

(c) No applicant who is eligible to apply for any commercial radio operator license shall, by reason of any physical handicap, other than as set forth in paragraph (b) of this section, be denied the privilege of applying and being permitted to attempt to prove his qualifications (by examination if examination is required) for such commercial radio operator license in accordance with established procedure; nor, subject to the following conditions, shall such applicant be denied the issuance of any commercial radio operator license for which he is found qualified:

(1) If the applicant is afflicted with uncorrected physical handicap which would clearly prevent the performance of all or any part of the duties of a radio operator, under the license for which application is made, at a station under emergency conditions involving the safety of life or property, he may be issued the license for which he is found qualified: *Provided*, That any license so received, if of the diploma-form (as distinguished from such document of the card-form), shall bear a restrictive endorsement as follows:

> This license is not valid for the performance of any operating duties, other than installation, service and maintenance duties, at any station licensed by the Federal Communications Commission which is required, directly or indirectly, by any treaty, statute or rule or regulation pursuant to statute, to be provided for safety purposes.

Provided further, That in the case of a diploma-form license for which no examination in technical radio matters is required, the endorsement will be modified by deleting the reference therein to installation, service, and maintenance duties.

(2) [Reserved]

(3) In any case where an applicant who normally would receive or has received a commercial radio operator license bearing the endorsement prescribed by paragraph (c)(1) of this section, indicates his desire to operate a station falling within the prohibitive terms of the endorsement, he may request in writing that such endorsement not be placed upon, or be removed from, his license, and may submit in support of his request any written comment or statement of himself or any interested party.

(4) An applicant who shows that he has theretofore performed satisfactorily (by means of the service record appearing on the appropriate license document of the applicant or such other proof as may be appropriate under the circumstances of the particular case) the duties of a radio operator at a station required, directly or indirectly, by any treaty, statute, or rule or regulation pursuant to statute to be provided for safety purposes, during a period when he was afflicted by uncorrected physical handicaps of the same kind and to the same degree as the physical handicaps shown by his current application (this showing may be made by means of the applicant's written, sworn statement or such other documentary proof as may be appropriate under the circumstances of the particular case), shall not be deemed to be within the provisions of paragraph (c)(1) of this section.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12515, Nov. 22, 1963, as amended at 32 FR 9232, June 29, 1967; 36 FR 19440, Oct. 6, 1971; 47 FR 53379, Nov. 26, 1982; 49 FR 20669, May 16, 1984]

§ 13.8 Provisional Radio Operator Certificate.

(a) In circumstances requiring immediate authority to operate a radio station pending submission of proof of eligibility or of qualifications or pending a determination by the Commission as to these matters, an applicant for a radio operator license may be issued a Provisional Radio Operator Certificate.

(b) If the Commission finds that the public interest will be served, it may issue such certificates for a period not to exceed 6 months with such additional limitations as may be indicated.

(c) A Provisional Radio Operator Certificate will not be issued if the applicant has not fulfilled the examination requirements for the license applied for.

[39 FR 26156, July 17, 1974, as amended at 44 FR 1735, Jan. 8, 1979]

APPLICATIONS

§ 13.11 Application filing procedures.

(a) Detailed information about application forms, filing procedures and places to file applications for commercial radio operator licenses is contained in the bulletin "Commercial Radio Operator Licenses and Permits." This bulletin is available from any Commission field office or from the FCC, Washington, D.C. 20554.

(b) Applications for commercial radio operator licenses will be processed in accordance with the rules and regulations in effect on the date filed.

[47 FR 53379, Nov. 26, 1982]

§ 13.12 Additional requirements for First Class Radiotelegraph Operator's Certificate and six months service endorsement.

(a) First Class Radiotelegraph Operator's Certificate.

(1) Applicant must be at least 21 years old.

(2) Applicant must have one year of experience in sending and receiving public correspondence by radiotelegraph. The experience may be obtained at ship stations, coast stations, or both.

(b) Six months service endorsement.

(1) An endorsement may be placed on a First or Second Class Radiotelegraph Operator's Certificate attesting that the holder has had at least six months satisfactory service in the aggregate as a radio officer in a station on board a ship or ships of the United States.

(2) To qualify for the six months service endorsement the applicant must show that:

(i) The applicant was employed as a radio operator on board a ship or ships of the United States for a period totaling at least six months;

(ii) The ships were equipped with a radio station complying with the provisions of Part II of Title III of the Communications Act, or the ships were owned and operated by the U.S. Government, for example the U.S. Navy of U.S. Coast Guard, and equipped with radio stations;

(iii) The ships were in service during the applicable six month period; however, any portion of single in port periods that exceed seven days must be excluded from the qualifying six months period;

(iv) The applicant held a first or second class radiotelegraph operator's certificate issued by the FCC during this entire six month qualifying period; and

(v) The applicant holds a radio officer's license issued by the U.S. Coast Guard at the time the six month endorsement is requested.

(3) To satisfy the showing required in paragraph (b)(2) of this section, the applicant must submit documents signed by the ship station licensees, masters or commanding officers of U.S. ships stating that the applicant performed the duties of a radio operator in a satisfactory manner under each of the conditions listed in paragraph (b)(2) of this section.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 18719, Mar. 26, 1981, as amended at 49 FR 20669, May 16, 1984; 53 FR 46454, Nov. 17, 1988]

EXAMINATIONS

§ 13.21 Examination elements.

(a) Written examinations will comprise questions from one or more of the following examination elements.

(1) *Basic marine radio law.* Provisions of laws, treaties, and regulations, with which every radio operator in the Maritime radio services should be familiar.

(2) *Basic marine radio operating practice.* Radio operating procedures and practices generally followed or required in communicating by means of radiotelephone stations in the Maritime radio services.

(3) *General radiotelephone.* Technical, legal, and other matters, including basic operating practices and provisions of laws, treaties, and regulations, applicable to the operation of radiotelephone stations other than broadcast.

(4) [Reserved]

(5) *Radiotelegraph operating practice.* Radio operating procedures and practices generally followed or required in communicating by means of radiotelegraph stations primarily

other than in the maritime mobile services of public correspondence.

(6) *Advanced radiotelegraph*. Technical, legal and other matters applicable to the operation of all classes of radiotelegraph stations, including operating procedures and practices in the maritime mobile services of public correspondence, and associated matters such as radio navigational aids, message traffic routing and accounting, etc.

(7) [Reserved]

(8) Ship radar techniques. Specialized theory and practice applicable to the proper installation, servicing and maintenance of ship radar equipment in general use for marine navigational purposes.

(b) Examination elements of the radiotelegraph Morse Code comprise sending and receiving tests at the following rates:

(1) Sixteen (16) code groups-per-minute.

(2) Twenty (20) plain language words-per-minute.

(3) Twenty (20) code groups-per-minute.

(4) Twenty-five (25) plain language words-per-minutes.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[28 FR 12515, Nov. 22, 1963, as amended at 39 FR 7580, Feb. 27, 1974; 44 FR 1735, Jan. 8, 1979; 46 FR 35461, July 8, 1981; 47 FR 17820, Apr. 26, 1982; 49 FR 20669, May 16, 1984]

§ 13.22 Required qualifications.

Commercial radio operator licenses are issued only to eligible applicants found qualified by the Commission, as follows:

(a) To be qualified to hold any commercial radio operator license, an applicant must have the ability to transmit correctly and receive correctly spoken messages in the English language.

(b) To qualify for a new commercial radio operator license other than the Restricted Radiotelephone Operator Permit, an applicant must demonstrate Morse code skill, if required, and a satisfactory knowledge of the material in one or more of the elements listed in § 13.21, by passing all examinations required for the class of license to be issued:

(1) First Class Radiotelegraph Operator's Certificate.

(i) Transmitting and receiving Morse code tests 3 and 4.

(ii) Written examinations covering elements 1 and 2, 5 and 6.

(2) Second Class Radiotelegraph Operator's Certificate.

(i) Transmitting and receiving Morse Code tests 1 and 2.

(ii) Written examinations covering elements 1 and 2, 5 and 6.

(3) Third Class Radiotelegraph Operator's Certificate.

(i) Transmitting and receiving Morse code tests 1 and 2.

(ii) Written examinations covering elements 1 and 2, and 5.

(4) General Radiotelephone Operator License.

(i) Written examination covering element 3.

(5) Marine Radio Operator Permit.

(i) Written examination covering elements 1 and 2.

(c) No examination is required fo the Restricted Radiotelephone Opera tor Permit. Instead, an applicant mus certify that he or she:

(1) Is legally eligible for employmen in the United States; or, if not so elig ble, holds an aircraft pilot certificat valid in the United States or an FC radio station license in his or he name;

(2) Can speak and hear;

(3) Can keep at least, a rough wri ten log; and,

(4) Is familiar with provisions of a plicable treaties, laws, rules and reg lations which govern the radio stati he or she will operate.

[49 FR 20669, May 16, 1984]

§ 13.23 Examination procedures.

(a) Applicants, when taking exa nations for commercial radio opera licenses, shall comply with the exa nation instructions printed on the amination booklet.

(b) Written examinations shall b English, except when waived under thority delegated in § 0.314.

(c) In the case of a blind applic the examination questions may read orally by a person chosen by

Commission, and the blind applicant may answer orally. A blind applicant wishing to use this procedure must make arrangements with the appropriate field office at least two weeks prior to the date on which the examination is desired.

[47 FR 53379, Nov. 26, 1982]

§ 13.24 Passing score.

To pass a written examination, an applicant must answer at least 75 percent of the questions correctly.

[49 FR 20669, May 16, 1984]

§ 13.25 Examination credit for licenses held.

(a) The holder of a valid commercial radio operator license (or a license which could be renewed under the provisions of § 13.28) who applies for another class of commercial radio operator license will not be required to retake the written examinations or telegraphy tests which were required to obtain the license held.

(b) The holder of a valid General Radiotelephone Operator License, Radiotelephone First Class Operator License, Radiotelephone Second Class Operator License, or Radiotelephone Third Class Operator Permit will not be required to take the written examination covering examination elements 1 and 2 when applying for a radiotelegraph operator license or permit.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

[47 FR 17820, Apr. 26, 1982, as amended at 49 FR 20670, May 16, 1984; 49 FR 39064, Oct. 3, 1984]

§ 13.26 Cancellation of superfluous licenses.

When an applicant is issued a commercial radio operator license, other commercial radio operator licenses held by that applicant will be cancelled in accordance with the following:

License issued	License(s) cancelled
First Class Radiotelegraph Operator's Certificate.	Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Radiotelephone Third Class Operator Permit, Marine Radio Operator Permit, Restricted Radiotelephone Operator Permit.
Second Class Radiotelegraph Operator's Certificate.	Third Class Radiotelegraph Operator's Certificate, Radiotelephone Third Class Operator Permit, Marine Radio Operator Premit, Restricted Radiotelephone Operator Permit.
Third Class Radiotelegraph Operator's Certificate.	Radiotelephone Third Class Operator Permit, Marine Radio Operator Permit, Restricted Radiotelephone Operator Permit.
General Radiotelephone Operator License.	Radiotelephone First Class Operator License, Radiotelephone Second Class Operator License, Radiotelephone Third Class Operator Permit, Marine Radio Operator Permit.
Marine Radio Operator Permit.	RadiotelephoneThird Class Operator Permit.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 47229, Sept. 25, 1981, as amended at 49 FR 20670, May 16, 1984]

§ 13.27 Re-examination waiting period.

An applicant who fails a written examination or code test required for a commercial radio operator license shall not apply for any class of license requiring that examination or test until 60 days after the date the examination or test was failed.

[49 FR 20670, May 16, 1984]

§ 13.28 License renewals.

(a) Commercial radio operator licenses issued for five year terms may be renewed, by proper application, at any time during the last year of the license term or during a five year grace period following expiration. Expired licenses are not valid during the grace period.

(b) There are no service or examination requirements for renewals.

(c) The Radiotelephone Third Class Operator Permit will not be renewed as such. Persons holding this permit may be issued a Marine Radio Operator Permit and a Restricted Radiotelephone Operator Permit.

(d) The Radiotelephone First and Second Class Operator Licenses will not be renewed as such. Persons holding either of these two licenses may be issued a General Radiotelephone Operator License upon renewal.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[45 FR 52156, Aug. 6, 1980, as amended at 46 FR 47229, Sept. 25, 1981; 47 FR 25972, June 16, 1982; 47 FR 53379, Nov. 26, 1982; 49 FR 20670, May 16, 1984]

CODE TESTS

§ 13.41 Transmitting speed requirements.

An applicant is required to transmit correctly in the International Morse code for 1 minute at the rate of speed prescribed in this part for the class of license desired.

§ 13.42 Transmitting test procedure.

Transmitting tests shall be performed by the use of the conventional Morse key except that a semi-automatic key, if furnished by the applicant, may be used in transmitting code tests of 25 words per minute.

§ 13.43 Receiving speed requirements.

An applicant is required to receive the International Morse Code by ear, and legibly transcribe, consecutive words or code groups for a period of 1 minute without error at the rate of speed specified in the rules for the class of license for which the application is made.

§ 13.44 Receiving test procedure.

Receiving code (tests) shall be written in longhand or printed by hand either in ink or pencil except that in the case of the 25 words per minute code test a typewriter may be used when furnished by the applicant.

[36 FR 19440, Oct. 6, 1971]

§ 13.45 Computing words or code groups.

Each five characters shall be counted as one word or code group. Punctuation marks or figures count as two characters.

SCOPE OF AUTHORITY

§ 13.61 Need for licensed commercial radio operators.

Rules which require Commission station licensees to employ licensed commercial radio operators to perform certain transmitter operating, maintenance, or repair duties are contained in Parts 73, 74, 80, and 87 of this chapter.

[49 FR 20670, May 16, 1984, as amended at 51 FR 31305, Sept. 2, 1986]

§ 13.62 Violations; aiding and abetting.

No licensed commercial radio operator shall violate or cause, aid, or abet the violation of any Act, treaty, or convention binding on the United States, which the Commission is authorized to administer, or any regulation made by the Commission under such Act, treaty, or convention.

[48 FR 15632, Apr. 12, 1983]

§ 13.63 Operator's responsibility.

The licensed operator responsible for the maintenance of a transmitter may permit other persons to adjust a transmitter in his presence for the purpose of carrying out tests or making adjustments requiring specialized knowledge or skill, provided that he shall not be relieved thereby from responsibility for the proper operation of the equipment.

§§ 13.64—13.69 [Reserved]

§ 13.70 Fraudulent licenses.

No licensed radio operator or othe person shall alter, duplicate for fraudulent purposes, or fraudulently obtai or attempt to obtain, or assist anothe to alter, duplicate for fraudulent pu poses, or fraudulently obtain or a tempt to obtain an operator licens Nor shall any person use a licens issued to another or a license that h or she knows to be altered, duplicate for fraudulent purposes, or fraud lently obtained.

[49 FR 20670, May 16, 1984]

MISCELLANEOUS

§ 13.71 Duplicate or replacement licenses.

(a) The holder of a commercial radio operator license which has been lost, mutilated, or destroyed may obtain a duplicate license document by filing an application, with a written explanation as to the circumstances involved in the loss, mutilation, or destruction of the original license.

(b) The holder of a commercial radio operator license whose name is legally changed, or whose physical description is significantly altered, may obtain a replacement license by filing an application with a written explanation as to the change requested.

[47 FR 53379, Nov. 26, 1982]

§ 13.72 Exhibiting signed copy of application.

Any commercial radio operator who has made a request for either:

(a) A duplicate or replacement operator license or permit; or

(b) An operator license or permit renewal; or

(c) An endorsement; or

(d) A higher class license or permit must exhibit a signed copy of their application submitted to the Commission in lieu of their original document.

[50 FR 38656, Sept. 24, 1985]

§ 13.73 [Reserved]

§ 13.74 Posting requirements for operator licenses.

(a) Licensed commercial radio operators, on duty at a single transmitting system, shall post their radio operator license or permit in accordance with the rules governing that station when:

(1) Performing radio operating duties and in charge of the transmitting systems or,

(2) Supervising or performing service and maintenance or inspection duties at the transmitting systems.

(b) Licensed commercial radio operators, on duty at two or more transmitting systems, which are not co-located, shall post their radio operator license or permit at one of the stations, and a photocopy of the license or permit at each other station in accordance with the rules governing those stations when:

(1) Performing radio operating duties and in charge of the transmitting systems or,

(2) Supervising or performing service and maintenance or inspection duties at the transmitting sysems.

(c) Licensed commercial radio operators who are:

(1) On duty; and

(2) Either in charge of transmitting systems, or performing service, maintenance or inspection duties on such systems; and

(3) In a station where the rules governing that service do not require posting

must have their radio operator license or permit document, or a photocopy of such document on their person and available for inspection upon request by a Commission representative.

(Secs. 4(i), 303(r) and 5(c)(i) of the Communications Act of 1934, as amended; 47 CFR 0.61 and 0.283)

[39 FR 24370, July 2, 1974, as amended at 39 FR 26157, July 17, 1974; 49 FR 29068, July 18, 1984; 50 FR 38656, Sept. 24, 1985]

§ 13.75 Record of service and maintenance duties performed.

In every case where a station operating log or service and maintenance log is required, the responsible operator in charge of the station operation or maintenance shall make the required entries in the log for the station concerned. If no station log is required, an operator responsible for service or maintenance duties which may affect the proper operation of the station shall sign and date an entry in the station maintenance records giving:

(a) Pertinent details of all service and maintenance work performed by him or under his supervision;

(b) His name and address; and

(c) The class, serial number and expiration date of his license:

Provided, That the responsible operator shall not be subject to requirements of paragraphs (b) and (c) of this section in relation to a station, or stations of one licensee at a single location, at which he is regularly employed as an operator on a full time basis and at which his license is properly posted.

[28 FR 12515, Nov. 22, 1963, as amended at 39 FR 26157, July 17, 1974]

§ 13.76 Limitation on certain Restricted Radiotelephone Operator Permits.

(a) A Restricted Radiotelephone Operator Permit issued to an aircraft pilot who is not legally eligible for employment in the United States is valid only for operation of radio stations on aircraft.

(b) A Restricted Radiotelephone Operator Permit issued to a person under the provision of section 303(1)(2) of the Communications Act of 1934, as amended, is valid only for the operation of radio stations for which that person is the station licensee.

[47 FR 53379, Nov. 26, 1982, as amended at 48 FR 33902, July 26, 1983]

§ 13.77 Required endorsements.

(a) All Marine Radio Operator Permits shall bear the following endorsement:

> This permit does not authorize the operation of AM, FM or TV broadcast stations.

(b) All General Radiotelephone Operator Licenses issued after December 31, 1985, shall bear the following endorsement:

> This license confers authority to operate licensed radio stations in the Aviation, Marine and International Fixed Public Radio Services only. This authority is subject to: any endorsement placed upon this license; FCC orders, rules and regulations; United States statutes; and the provisions of any treaties to which the United States is a party. This license does not confer any authority to operate broadcast stations. It is not assignable or transferable.

[49 FR 20670, May 16, 1984, as amended at 50 FR 45828, Nov. 4, 1985]

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15.245 Operation within the bands 902-928 MHz, 2435-2465 MHz, 5785-5815 MHz, 10500-10550 MHz, and 24075-24175 MHz.
15.247 Operation within the bands 902-928 MHz, 2400-2483.5 MHz, and 5725-5850 MHz.
15.249 Operation within the bands 902-928 MHz, 2400-2483.5 MHz, 5725-5875 MHz, and 24.0-24.25 GHz.
15.251 Operation within the bands 2.9-3.26 GHz, 3.267-3.332 GHz, 3.339-3.3458 GHz, and 3.358-3.6 GHz.

AUTHORITY: Sec. 4, 302, 303, 304, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. sections 154, 302, 303, 304, and 307.

SOURCE: 54 FR 17714, Apr. 25, 1989, unless otherwise noted.

Subpart A—General

§ 15.1 Scope of this part.

(a) This part sets out the regulations under which an intentional, unintentional, or incidental radiator may be operated without an individual license. It also contains the technical specifications, administrative requirements and other conditions relating to the marketing of Part 15 devices.

(b) The operation of an intentional or unintentional radiator that is not in accordance with the regulations in this part must be licensed pursuant to the provisions of section 301 of the Communications Act of 1934, as amended, unless otherwise exempted from the licensing requirements elsewhere in this chapter.

(c) Unless specifically exempted, the operation or marketing of an intentional or unintentional radiator that is not in compliance with the administrative and technical provisions in this part, including prior Commission authorization or verification, as appropriate, is prohibited under section 302 of the Communications Act of 1934, as amended, and Subpart I of Part 2 of this chapter. The equipment authorization and verification procedures are detailed in Subpart J of Part 2 of this chapter.

§ 15.3 Definitions.

(a) *Auditory assistance device.* An intentional radiator used to provide auditory assistance to a handicapped person or persons. Such a device may be used for auricular training in an education institution, for auditory assistance at places of public gatherings, such as a church, theater, or auditorium, and for auditory assistance to handicapped individuals, only, in other locations.

(b) *Biomedical telemetry device.* An intentional radiator used to transmit measurements of either human or animal biomedical phenomena to a receiver.

(c) *Cable input selector switch.* A transfer switch that is intended as a means to alternate between the reception of broadcast signals via connection to an antenna and the reception of cable television service.

(d) *Cable locating equipment.* An intentional radiator used intermittently by trained operators to locate buried cables, lines, pipes, and similar structures or elements. Operation entails coupling a radio frequency signal onto the cable, pipes, etc. and using a receiver to detect the location of that structure or element.

(e) *Cable system terminal device (CSTD).* A TV interface device that serves, as its primary function, to connect a cable system operated under Part 76 of this chapter to a TV broadcast receiver or other subscriber premise equipment. Any device which functions as a CSTD in one of its operating modes must comply with the technical requirements for such devices when operating in that mode.

(f) *Carrier current system.* A system that transmits radio frequency energy by conduction over the electric power lines. A carrier current system can be designed such that the signals are received by conduction directly from connection to the electric power lines (unintentional radiator) or the signals are received over-the-air due to radiation of the radio frequency signals from the electric power lines (intentional radiator).

(g) *CB receiver.* Any receiver that operates in the Personal Radio Services on frequencies allocated for Citizens Band (CB) Radio Service stations, as well as any receiver provided with a separate band specifically designed to receive the transmissions of CB stations in the Personal Radio Services. This includes the following: (1) A CB receiver sold as a separate unit of equipment; (2) the receiver section of a CB transceiver; (3) a converter to be used with any receiver for the purpose of receiving CB transmissions; and, (4) a multiband receiver that includes a band labelled "CB" or "11-meter" in which such band can be separately selected, except that an Amateur Radio Service receiver that was manufactured prior to January 1, 1960, and which includes an 11-meter band shall not be considered to be a CB receiver.

(h) *Class A digital device.* A digital device that is marketed for use in a commercial, industrial or business environment, exclusive of a device which is marketed for use by the general public or is intended to be used in the home.

(i) *Class B digital device.* A digital device that is marketed for use in a residential environment notwithstanding use in commercial, business and industrial environments. Examples of such devices include, but are not limited to, personal computers, calculators, and similar electronic devices that are marketed for use by the general public.

NOTE: The responsible party may also qualify a device intended to be marketed in a commercial, business or industrial environment as a Class B device, and in fact is encouraged to do so, provided the device complies with the technical specifications for a Class B digital device. In the event that a particular type of device has been found to repeatedly cause harmful interference to radio communications, the Commission may classify such a digital device as a Class B digital device, regardless of its intended use.

(j) *Cordless telephone system.* A system consisting of two transceivers, one a base station that connects to the public switched telephone network and the other a mobile handset unit that communicates directly with the base station. Transmissions from the mobile unit are received by the base station and then placed on the public switched telephone network. Information received from the switched telephone network is transmitted by the base station to the mobile unit.

NOTE: The Domestic Public Cellular Radio Telecommunications Service is considered to be part of the switched telephone network. In addition, intercom and paging operations are permitted provided these are not intended to be the primary modes of operation.

(k) *Digital device.* (Previously defined as a computing device). An unintentional radiator (device or system) that generates and uses timing signals or pulses at a rate in excess of 9,000 pulses (cycles) per second and uses digital techniques; inclusive of telephone equipment that uses digital techniques or any device or system that generates and uses radio frequency energy for the purpose of performing data processing functions, such as electronic computations, operations, transformations, recording, filing, sorting, storage, retrieval, or transfer. A radio frequency device that is specifically subject to an emanation requirement in any other FCC Rule part or an intentional radiator subject to Subpart C of this part that contains a digital device is not subject to the standards for digital devices, provided the digital device is used only to enable operation of the radio frequency device and the digital device does not control additional functions or capabilities.

NOTE: Computer terminals and peripherals that are intended to be connected to a computer are digital devices.

(l) *Field disturbance sensor.* A device that establishes a radio frequency field in its vicinity and detects changes in that field resulting from the movement of persons or objects within its range.

(m) *Harmful interference.* Any emission, radiation or induction that endangers the functioning of a radio navigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunications service operatin in accordance with this chapter.

(n) *Incidental radiator.* A devic that generates radio frequency energ during the course of its operation although the device is not intentionall designed to generate or emit radio frequency energy. Examples of incidenta radiators are dc motors, mechanical light switches, etc.

(o) *Intentional radiator.* A device that intentionally generates and emits radio frequency energy by radiation or induction.

(p) *Kit.* Any number of electronic parts, usually provided with a schematic diagram or printed circuit board, which, when assembled in accordance with instructions, results in a device subject to the regulations in this part, even if additional parts of any type are required to complete assembly.

(q) *Perimeter protection system.* A field disturbance sensor that employs RF transmission lines as the radiating source. These RF transmission lines are installed in such a manner that allows the system to detect movement within the protected area.

(r) *Peripheral device.* An input/output unit of a system that feeds data into and/or receives data from the central processing unit of a digital device. Peripherals to a digital device include any device that is connected external to the digital device, any device internal to the digital device that connects the digital device to an external device by wire or cable, and any circuit board or card designed for interchangeable mounting, internally or externally, that increases the operating or processing speed of a digital device, e.g., "turbo cards" and "enhancement boards". Examples of peripheral devices include terminals, printers, external floppy disk drives and other data storage devices, video monitors, keyboards, control cards, interface boards, external memory expansion cards and other input/output devices that may or may not contain digital circuitry. However, an internal device that contains the central processing unit of a digital device is not a peripheral even though such a device may connect to an external keyboard or other components.

(s) *Personal computer.* An electronic computer that is marketed for use in the home, notwithstanding business applications. Such computers are considered Class B digital devices. Computers which use a standard TV receiver as a display device or meet all of the following conditions are considered examples of personal computers:

(1) Marketed through a retail outlet or direct mail order catalog.

(2) Notices of sale or advertisements are distributed or directed to the general public or hobbyist users rather than restricted to commercial users.

(3) Operates on a battery or 120 volt electrical supply.

If the responsible party can demonstrate that because of price or performance the computer is not suitable for residential or hobbyist use, it may request that the computer be considered to fall outside of the scope of this definition for personal computers.

(t) *Power line carrier systems.* An unintentional radiator employed as a carrier current system used by an electric power utility entity on transmission lines for protective relaying, telemetry, etc. for general supervision of the power system. The system operates by the transmission of radio frequency energy by conduction over the electric power transmission lines of the system. The system does not include those electric lines which connect the distribution substation to the customer or house wiring.

(u) *Radio frequency (RF) energy.* Electromagnetic energy at any frequency in the radio spectrum between 9 kHz and 3,000,000 MHz.

(v) *Scanning receiver.* For the purpose of this part, this is a receiver that automatically switches among four or more frequencies in the range of 30 to 960 MHz and which is capable of stopping at and receiving a radio signal detected on a frequency. Receivers designed solely for the reception of the broadcast signals under Part 73 of this chapter or for operation as part of a licensed station are not included in this definition.

(w) *Television (TV) broadcast receiver.* A device designed to receive television pictures that are broadcast simultaneously with sound on the television channels authorized under Part 73 of this chapter.

(x) *Transfer switch.* A device used to alternate between the reception of over-the-air radio frequency signals via connection to an antenna and the reception of radio frequency signals received by any other method, such as from a TV interface device.

(y) *TV interface device.* An unintentional radiator that produces or translates in frequency a radio frequency carrier modulated by a video signal derived from an external or internal signal source, and which feeds the modulated radio frequency energy by conduction to the antenna terminals or other non-baseband input connections of a television broadcast receiver. A TV interface device may include a stand-alone RF modulator, or a composite device consisting of an RF modulator, video source and other components devices. Examples of TV interface devices are video cassette recorders and terminal devices attached to a cable system or used with a Master Antenna (including those used for central distribution video devices in apartment or office buildings).

(z) *Unintentional radiator.* A device that intentionally generates radio frequency energy for use within the device, or that sends radio frequency signals by conduction to associated equipment via connecting wiring, but which is not intended to emit RF energy by radiation or induction.

[54 FR 17714, Apr. 25, 1989, as amended at 55 FR 18340, May 2, 1990]

§ 15.5 General conditions of operation.

(a) Persons operating intentional or unintentional radiators shall not be deemed to have any vested or recognizable right to continued use of any given frequency by virtue of prior registration or certification of equipment, or, for power line carrier systems, on the basis of prior notification of use pursuant to § 90.63(g) of this chapter.

(b) Operation of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by the operation of an authorized radio station, by another intentional or unintentional radiator, by industrial, scientific and medical (ISM) equipment, or by an incidental radiator.

(c) The operator of a radio frequency device shall be required to cease operating the device upon notification by a Commission representative that the device is causing harmful interference. Operation shall not resume until the condition causing the harmful interference has been corrected.

(d) Intentional radiators that produce Class B emissions (damped wave) are prohibited.

§ 15.7 Special temporary authority.

(a) The Commission will, in exceptional situations, consider an individual application for a special temporary authorization to operate an incidental, intentional or unintentional radiation device not conforming to the provisions of this part, where it can be shown that the proposed operation would be in the public interest, that it is for a unique type of station or for a type of operation which is incapable of being established as a regular service, and that the proposed operation can not feasibly be conducted under this part.

(b) No authorization is required in order to perform testing of equipment for determining compliance with these regulations. Except as provided in Subpart I of Part 2 of this chapter, this provision does not permit the providing of equipment to potential users in order to determine customer acceptance of the product or marketing strategy, nor does this provision permit any type of operation other than a determination of compliance with the regulations. During this testing, the provisions of §§ 15.5 and 15.205 apply.

§ 15.9 Prohibition against eavesdropping.

Except for the operations of law enforcement officers conducted under lawful authority, no person shall use, either directly or indirectly, a device operated pursuant to the provisions of this part for the purpose of overhearing or recording the private conversations of others unless such use is authorized by all of the parties engaging in the conversation.

§ 15.11 Cross reference.

The provisions of Subparts A, H, I, J and K of Part 2 apply to intentional and unintentional radiators, in addition to the provisions of this part. Also, a cable system terminal device and a cable input selector switch shall be subject to the relevant provisions of Part 76 of this chapter.

§ 15.13 Incidental radiators.

Manufacturers of these devices shall employ good engineering practices to minimize the risk of harmful interference.

§ 15.15 General technical requirements.

(a) An intentional or unintentional radiator shall be constructed in accordance with good engineering design and manufacturing practice. Emanations from the device shall be suppressed as much as practicable, but in no case shall the emanations exceed the levels specified in these rules.

(b) An intentional or unintentional radiator must be constructed such that the adjustments of any control that is readily accessible by or intended to be accessible to the user will not cause operation of the device in violation of the regulations.

(c) Parties responsible for equipment compliance should note that the limits specified in this part will not prevent harmful interference under all circumstances. Since the operators of Part 15 devices are required to cease operation should harmful interference occur to authorized users of the radio frequency spectrum, the parties responsible for equipment compliance are encouraged to employ the minimum field strength necessary for communications, to provide greater attenuation of unwanted emissions than required by these regulations, and to advise the user as to how to resolve harmful interference problems (for example, see § 15.105(b)).

§ 15.17 Susceptibility to interference.

(a) Parties responsible for equipment compliance are advised to consider the proximity and the high power of non-Government licensed radio stations, such as broadcast, amateur and land mobile stations, and of U.S. Government radio stations when choosing operating frequencies during the design of their equipment so as to reduce the susceptibility for receiving harmful interference. Information on non-Government use of the spectrum can be obtained by consulting the Table of Frequency Allocations in § 2.106 of this chapter.

(b) Information on U.S. Government operations can be obtained by contacting: Director, Spectrum Plans and Policy, National Telecommunications and Information Administration, Department of Commerce, Room 4096, Washington, DC 20230.

§ 15.19 Labelling requirements.

(a) In addition to the requirements in Part 2 of this chapter, a device subject to certification, notification, or verification shall be labelled as follows:

(1) Receivers associated with the operation of a licensed radio service, e.g., FM broadcast under Part 73 of this chapter, land mobile operation under Part 90, etc., shall bear the following statement in a conspicuous location on the device:

> This device complies with Part 15 of the FCC Rules. Operation is subject to the condition that this device does not cause harmful interference.

(2) A stand-alone cable input selector switch, shall bear the following statement in a conspicuous location on the device:

> This device is verified to comply with Part 15 of the FCC Rules for use with cable television service.

(3) All other devices shall bear the following statement in a conspicuous location on the device:

> This device complies with Part 15 of the FCC Rules. Operation is subject to the following two conditions: (1) This device may not cause harmful interference, and (2) this device must accept any interference received, including interference that may cause undesired operation.

(b) Where a device is constructed in two or more sections connected by wires and marketed together, the statement specified in this section is required to be affixed only to the main control unit.

(c) When the device is so small or for such use that it is not practicable to place the statement specified in this section on it, the information required by these paragraphs shall be placed in a prominent location in the instruction manual or pamphlet supplied to the user or, alternatively, shall be placed on the container in which the device is marketed. However, the FCC identifier or the unique identifier, as appropriate, must be displayed on the device.

§ 15.21 Information to user.

The users manual or instruction manual for an intentional or unintentional radiator shall caution the user that changes or modifications not expressly approved by the party responsible for compliance could void the user's authority to operate the equipment.

§ 15.23 Home-built devices.

(a) Equipment authorization is not required for devices that are not marketed, are not constructed from a kit, and are built in quantities of five or less for personal use.

(b) It is recognized that the individual builder of home-built equipment may not possess the means to perform the measurements for determining compliance with the regulations. In this case, the builder is expected to employ good engineering practices to meet the specified technical standards to the greatest extent practicable. The provisions of § 15.5 apply to this equipment.

§ 15.25 Kits.

A TV interface device, including a cable system terminal device, which is marketed as a kit shall comply with the following requirements:

(a) All parts necessary for the assembled device to comply with the technical requirements of this part must be supplied with the kit. No mechanism for adjustment that can cause operation in violation of the requirements of this part shall be made accessible to the builder.

(b) At least two units of the kit shall be assembled in exact accordance with the instructions supplied with the product to be marketed. If all components required to fully complete the kit (other than those specified in paragraph (a) of this section which are needed for compliance with the technical provisions and must be included with the kit) are not normally furnished with the kit, assembly shall be made using the recommended components. The assembled units shall be certified or notified, as appropriate, pursuant to the requirements of this part.

(1) The measurement data required for a TV interface device subject to certification shall be obtained for each of the two units and submitted with an application for certification pursuant to Subpart J of Part 2 of this chapter.

(2) The measurement data required for a TV interface device subject to notification shall be obtained for the units tested and retained on file pursuant to the provisions of Subpart J of Part 2 of this chapter.

(c) A copy of the exact instructions that will be provided for assembly of the device shall be submitted with an application for certification or notification. Those parts which are not normally furnished shall be detailed in the application for equipment authorization.

(d) In lieu of the label required by § 15.19, the following label, along with the label bearing the FCC identifier and other information specified in §§ 2.925 and 2.926, shall be included in the kit with instructions to the builder that it shall be attached to the completed kit:

(Name of Grantee)

(FCC Identifier)

This device can be expected to comply with Part 15 of the FCC Rules provided it is assembled in exact accordance with the instructions provided with this kit. Operation is subject to the following conditions: (1) This device may not cause harmful interference, and (2) this device must accept any interference received including interference that may cause undesired operation.

(e) For the purpose of this section, circuit boards used as repair parts for the replacement of electrically identical defective circuit boards are not considered to be kits.

§ 15.27 Special accessories.

(a) Equipment marketed to a consumer must be capable of complying with the necessary regulations in the configuration in which the equipment is marketed. Where special accessories, such as shielded cables and/or special connectors, are required to enable an unintentional or intentional radiator to comply with the emission limits in this part, the equipment must be marketed with, i.e., shipped and sold with, those special accessories. However, in lieu of shipping or packaging the special accessories with the unintentional or intentional radiator, the responsible party may employ other methods of ensuring that the special accessories are provided to the consumer, without additional charge, at the time of purchase. Information detailing any alternative method used to supply the special accessories shall be included in the application for a grant of equipment authorization or retained in the verification records, as appropriate. The party responsible for the equipment, as detailed in § 2.909 of this chapter, shall ensure that these special accessories are provided with the equipment. The instruction manual for such devices shall include appropriate instructions on the first page of the text concerned with the installation of the device that these special accessories must be used with the device. It is the responsibility of the user to use the needed special accessories supplied with the equipment.

(b) If a device requiring special accessories is installed by or under the supervision of the party marketing the device, it is the responsibility of that party to install the equipment using the special accessories. For equipment requiring professional installation, it is not necessary for the responsible party to market the special accessories with the equipment. However, the need to use the special accessories must be detailed in the instruction manual, and it is the responsibility of the installer to provide and to install the required accessories.

(c) Accessory items that can be readily obtained from multiple retail outlets are not considered to be special accessories and are not required to be marketed with the equipment. The manual included with the equipment must specify what additional components or accessories are required to be used in order to ensure compliance with this part, and it is the responsibility of the user to provide and use those components and accessories.

(d) The resulting system, including any accessories or components marketed with the equipment, must comply with the regulations.

§ 15.29 Inspection by the Commission.

(a) Any equipment or device subject to the provisions of this part, together with any certificate, notice of registration or any technical data required to be kept on file by the operator, supplier or party responsible for compliance of the device shall be made available for inspection by a Commission representative upon reasonable request.

(b) The owner or operator of a radio frequency device subject to this part shall promptly furnish to the Commission or its representative such information as may be requested concerning the operation of the radio frequency device.

(c) The party responsible for the compliance of any device subject to this part shall promptly furnish to the Commission or its representatives such information as may be requested concerning the operation of the device, including a copy of any measurements made for obtaining an equipment authorization or demonstrating compliance with the regulations.

(d) The Commission, from time to time, may request the party responsible for compliance, including an importer, to submit to the FCC Laboratory in Columbia, Maryland, various equipment to determine that the equipment continues to comply with the applicable standards. Shipping costs to the Commission's Laboratory and return shall be borne by the responsible party. Testing by the Commission will be performed using the measurement procedure(s) that was in effect at the time the equipment was authorized or verified.

§ 15.31 Measurement standards.

(a) The following measurement procedures are used by the Commission to determine compliance with the technical requirements. Copies of these procedures are available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161 or from the Commission's current duplicating contractor whose name and address are available from the Commission's Consumer Assistance Office.

(1) FCC/OET MP-1: FCC Methods of Measurements for Determining Compliance of Radio Control and Security Alarm Devices and Associated Receivers.
(2) FCC/OET MP-2: Measurement of UHF Noise Figures of TV Receivers.
(3) FCC/OET MP-3: FCC Methods of Measurements of Output Signal Level, Output Terminal Conducted Spurious Emissions, Transfer Switch Characteristics, and Radio Noise Emissions from TV Interface Devices.
(4) FCC/OET MP-4: FCC Procedure for Measuring RF Emissions from Computing Devices.
(5) FCC/OET MP-9: FCC Procedure for Measuring Cable Television Switch Isolation.

(b) All parties making compliance measurements on equipment subject to the requirements of this part are urged to use these measurement procedures. Any party using other procedures should ensure that such other procedures can be relied on to produce measurement results compatible with the FCC measurement procedures. The description of the measurement procedure used in testing the equipment for compliance and a list of the test equipment actually employed shall be made part of an application for certification or included with the data required to be retained by the party responsible for devices subject to notification or verification.

(c) For swept frequency equipment, measurements shall be made with the frequency sweep stopped at those frequencies chosen for the measurements to be reported.

(d) Field strength measurements shall be made, to the extent possible, on an open field site. Test sites other than open field sites may be employed if they are properly calibrated so that the measurement results correspond to what would be obtained from an open field site. In the case of equipment for which measurements can be performed only at the installation site, such as perimeter protection systems, carrier current systems, and systems employing a "leaky" coaxial cable as an antenna, measurements for verification or for obtaining a grant of equipment authorizaton shall be performed at a minimum of three installations that can be demonstrated to be representative of typical installation sites.

(e) For intentional radiators, measurements of the variation of the input power or the radiated signal level of the fundamental frequency component of the emission, as appropriate, shall be performed with the supply voltage varied between 85% and 115% of the nominal rated supply voltage. For battery operated equipment, the equipment tests shall be performed using a new battery.

(f) To the extent practicable, the device under test shall be measured at the distance specified in the appropriate rule section. The distance specified corresponds to the horizontal distance between the measurement antenna and the closest point of the equipment under test, support equipment or interconnecting cables as determined by the boundary defined by an imaginary straight line periphery describing a simple geometric configuration enclosing the system containing the equipment under test. The equipment under test, support equipment and any interconnecting cables shall be included within this boundary.

(1) At frequencies equal to or above 30 MHz, measurements may be performed at a distance closer than that specified provided this does not result in measurements taken in the near field. When performing measurements at a closer distance than specified, the results shall be extrapolated to the specified distance using an inverse linear distance extrapolation factor (20 dB/decade). Measurement at a distance greater than specified is not permitted unless the responsible party can demonstrate the measurements at the specified distance are impractical because of the size of the equipment, the location of the equipment, or other factors, or unless the responsible party can demonstrate that such a measurement would take place in the near field, as could occur when per-

forming measurements on some large digital devices and perimeter protection systems. Measurements shall not be performed at a distance greater than 30 meters unless it can be demonstrated that measurement at a distance of 30 meters or less is impracticable and, further, that the signal level needed to be determined at the distance employed can be detected by the measuring equipment. When performing measurements at a distance greater than that specified, the results shall be interpolated to the specified distance using an inverse linear distance interpolation factor (20 dB/decade).

(2) At frequencies below 30 MHz, measurements may be performed at a distance closer than that specified in the regulations; however, an attempt should be made to avoid making measurements in the near field. Pending the development of an appropriate measurement procedure for measurements performed below 30 MHz, when performing measurements at a closer distance than specified, the results shall be extrapolated to the specified distance by either making measurements at a minimum of two distances on at least one radial to determine the proper extrapolation factor or by using the square of an inverse linear distance extrapolation factor (40 dB/decade).

(3) The applicant for a grant of certification shall specify the interpolation or extrapolation method used in the application filed with the Commission. For equipment subject to notification or verification, this information shall be retained with the measurement data.

(4) When measurement distances of 30 meters or less are specified in the regulations, the Commission will test the equipment at the distance specified unless measurement at that distance results in measurements being performed in the near field. When measurement distances of greater than 30 meters are specified in the regulations, the Commission will test the equipment at a closer distance, usually 30 meters, extrapolating the measured field strength to the specified distance using the methods shown in this section.

(5) Measurements shall be performed at a sufficient number of radials around the equipment under test to determine the radial at which the field strength values of the radiated emissions are maximized. The maximum field strength at the frequency being measured shall be reported in an application for certification.

(g) Equipment under test shall be adjusted, using those controls that are readily accessible to or are intended to be accessible to the consumer, in such a manner as to maximize the level of the emissions. For those devices to which wire leads may be attached by the consumer, tests shall be performed with wire leads attached. The wire leads shall be of the length to be used with the equipment if that length is known. Otherwise, wire leads one meter in length shall be attached to the equipment. Longer wire leads may be employed if necessary to interconnect to associated peripherals.

(h) For a composite system that incorporates devices contained either in a single enclosure or in separate enclosures connected by wire or cable, testing for compliance with the standards in this Part shall be performed with all of the devices in the system functioning. If an intentional radiator incorporates more than one antenna or other radiating source and these radiating sources are designed to emit at the same time, measurements of conducted and radiated emissions shall be performed with all radiating sources that are to be employed emitting.

(i) If the device under test provides for the connection of external accessories, including external electrical input signals, the device shall be tested with the accessories attached. The device under test shall be fully exercised with these external accessories. The emission tests shall be performed with the device and accessories configured in a manner that tends to produce maximized emissions within the range of variations that can be expected under normal operating conditions. In the case of multiple accessory external ports, an external accessory shall be connected to one of each type of port. Only one test using peripherals or external accessories that are representative of the devices that will be employed with the equipment under test is required. All possible equipment combinations do not need to be tested. The accessories or peripherals connected to the device being tested shall be unmodified, commercially available equipment.

(j) If the equipment under test consists of a central control unit and an external or internal accessory(ies) (peripheral) and the party verifying the equipment or applying for a grant of equipment authorization manufactures or assembles the central control unit and at least one of the accessory devices that can be used with that control unit, testing of the control unit and/or the accessory(ies) must be performed using the devices manufactured or assembled by that party, in addition to any other needed devices which the party does not manufacture or assemble. If the party verifying the equipment or applying for a grant of equipment authorization does not manufacture or assemble the central control unit and at least one of the accessory devices that can be used with that control unit or the party can demonstrate that the central control unit or accessory(ies) normally would be marketed or used with equipment from a different entity, testing of the central control unit and/or the accessory(ies) must be performed using the specific combination of equipment which is intended to be marketed or used together. Only one test using peripherals or accessories that are representatve of the devices that will be employed with the equipment under test is required. All possible equipment combinations are not required to be tested. The accessories or peripherals connected to the device being tested shall be unmodified, commercially available equipment.

(k) A composite system is a system that incorporates different devices contained either in a single enclosure or in separate enclosures connected by wire or cable. If the individual devices in a composite system are subject to different technical standards, each such device must comply with its specific standards. In no event may the measured emissions of the composite system exceed the highest level permitted for an individual component. For digital devices which consist of a combination of Class A and Class B devices, the total combination of which results in a Class A digital device, it is only necessary to demonstrate that the equipment combination complies with the limits for a Class A device. This equipment combination may not be employed for obtaining a grant of equipment authorization or verifying a Class B digital device. However, if the digital device combination consists of a Class B central control unit, e.g., a personal computer, and a Class A internal peripheral(s), it must be demonstrated that the Class B central control unit continues to comply with the limits for a Class B digital device with the Class A internal peripheral(s) installed but not active.

(l) Measurements of radio frequency emissions conducted to the public utility power lines shall be performed using a 50 ohm/50 uH line-impedance stabilization network (LISN).

NOTE: Receivers tested under the transition provisions contained in § 15.37 may be tested with a 50 ohm/5 μH LISN.

(m) Measurements on intentional radiators or receivers, other than TV broadcast receivers, shall be performed and, if required, reported for each band in which the device can be operated with the device operating at the number of frequencies in each band specified in the following table:

Frequency range over which device operates	Number of frequencies	Location in the range of operation
1 MHz or less	1	Middle.
1 to 10 MHz	2	1 near top and 1 near bottom.
More than 10 MHz	3	1 near top, 1 near middle and 1 near bottom.

(n) Measurements on TV broadcast receivers shall be performed with the receiver tuned to each VHF frequency and also shall include the following oscillator frequencies: 520, 550, 600, 650, 700, 750, 800, 850, 900 and 931 MHz. If measurements cannot be made on one or more of the latter UHF frequencies because of the presence of signals from licensed radio stations or for other reasons to be detailed in the measurement report, measurements shall be made with the receiver oscillator at a nearby frequency. If the receiver is not capable of receiving channels above 806 MHz, the measurements employing the oscillator frequencies 900 and 931 MHz may be omitted.

(o) The amplitude of spurious emissions from intentional radiators and emissions from unintentional radiators which are attenuated more than 20 dB below the permissible value need not be reported unless specifically required elsewhere in this part.

§ 15.33 Frequency range of radiated measurements.

(a) For an intentional radiator, the spectrum shall be investigated from the lowest radio frequency signal generated in the device, without going below 9 kHz, up to at least the tenth harmonic of the highest fundamental frequency or to 40 GHz, whichever is lower. If the intentional radiator contains a digital device, regardless of whether this digital device controls the functions of the intentional radiator or the digital device is used for additional control or function purposes other than to enable the operation of the intentional radiator, the frequency range shall be investigated up to the higher of the tenth harmonic of the highest fundamental frequency designed to be emitted by the intentional radiator or the upper frequency of the measurement range applicable to the digital device, as shown in paragraph (b)(1) of this section.

(b) For unintentional radiators:

(1) Except as otherwise indicated in paragraphs (b)(2) or (b)(3) of this section, for an unintentional radiator, including a digital device, the spectrum shall be investigated from the lowest radio frequency signal generated or used in the device, without going below the lowest frequency for which a radiated emission limit is specified, up to the frequency shown in the following table:

Highest frequency generated or used in the device or on which the device operates or tunes (MHz)	Upper frequency of measurement range (MHz)
Below 1.705	30.
1.705–108	1000.
108–500	2000.
500–1000	5000.
Above 1000	5th harmonic of the highest frequency or 40 GHz, whichever is lower.

(2) A unintentional radiator, excluding a digital device, in which the highest frequency generated in the device, the highest frequency used in the device and the highest frequency on which the device operates or tunes are less than 30 MHz and which, in accordance with § 15.109, is required to comply with standards on the level of radiated emissions within the frequency range 9 kHz to 30 MHz, such as a CB receiver or a device designed to conduct its radio frequency emissions via connecting wires or cables, e.g., a carrier current system not intended to radiate, shall be investigated from the lowest radio frequency generated or used in the device, without going below 9 kHz (25 MHz for CB receivers), up to the frequency shown in the following table. If the unintentional radiator contains a digital device, the upper frequency to be investigated shall be that shown in the table below or in the table in paragraph (b)(1) of this section, as based on both the highest frequency generated and the highest frequency used in the digital device, whichever range is higher.

Highest frequency generated or used in the device or on which the device operates or tunes (MHz)	Upper frequency of measurement range (MHz)
Below 1.705	30
1.705–10	400
10–30	500

(3) Except for a CB receiver, a receiver employing superheterodyne techniques shall be investigated from 30 MHz up to at least the second harmonic of the highest local oscillator frequency generated in the device. If such receiver is controlled by a digital device, the frequency range shall be

investigated up to the higher of the second harmonic of the highest local oscillator frequency generated in the device or the upper frequency of the measurement range specified for the digital device in paragraph (b)(1) of this section.

(c) The above specified frequency ranges of measurements apply to the measurement of radiated emissions and, in the case of receivers, the measurement to demonstrate compliance with the antenna conduction limits specified in § 15.111. The frequency range of measurements for AC power line conducted limits is specified in §§ 15.107 and 15.207 and applies to all equipment subject to those regulations. In some cases, depending on the frequency(ies) generated and used by the equipment, only signals conducted onto the AC power lines are required to be measured.

(d) Particular attention should be paid to harmonics and subharmonics of the fundamental frequency as well as to those frequencies removed from the fundamental by multiples of the oscillator frequency. Radiation at the frequencies of multiplier states should also be checked.

§ 15.35 Emission limits.

The conducted and radiated emission limits shown in this part are based on the following, unless otherwise specified elsewhere in this part:

(a) On any frequency or frequencies below or equal to 1000 MHz, the limits shown are based on measuring equipment employing a CISPR quasi-peak detector function and related measurement bandwidths, unless otherwise specified. The specifications for the measuring instrument using the CISPR quasi-peak detector can be found in Publication 16 of the International Special Committee on Radio Interference (CISPR) of the International Electrotechnical Commission. As an alternative to CISPR quasi-peak measurements, the responsible party, at its option, may demonstrate compliance with the emission limits using measuring equipment employing a peak detector function, properly adjusted for such factors as pulse desensitization, as long as the same bandwidths as indicated for CISPR quasi-peak measurements are employed.

NOTE: For pulse modulated devices with a pulse-repetition frequency of 20 Hz or less and for which CISPR quasi-peak measurements are specified, compliance with the regulations shall be demonstrated using measuring equipment employing a peak detector function, properly adjusted for such factors as pulse desensitization, using the same measurement bandwidths that are indicated for CISPR quasi-peak measurements.

(b) On any frequency or frequencies above 1000 MHz, the radiated limits shown are based on the use of measurement instrumentation employing an average detector function. When average radiated emission measurements are specified in the regulations, including emission measurements below 1000 MHz, there is also a limit on the radio frequency emissions, as measured using instrumentation with a peak detector function, corresponding to 20 dB above the maximum permitted average limit for the frequency being investigated. Measurements of AC power line conducted emissions are performed using a CISPR quasi-peak detector, even for devices for which average radiated emission measurements are specified.

(c) When the radiated emission limits are expressed in terms of the average value of the emission, and pulsed operation is employed, the measured field strength shall be determined by averaging over one complete pulse train, including blanking intervals, as long as the pulse train does not exceed 0.1 seconds. As an alternative (provided the transmitter operates for longer than 0.1 seconds) or in those cases where the pulse train exceeds 0.1 seconds, the measured field strength shall be determined from the average absolute voltage during a 0.1 second interval during which the field strength is at its maximum value. The exact method of calculating the average field strength shall be submitted with any application for certification or shall be retained in the measurement data file for equipment subject to notification or verification.

15.37 Transition provisions for compliance with the rules.

Equipment may be authorized, manufactured and imported under the ules in effect prior to June 23, 1989, n accordance with the following chedules:

(a) *For all intentional and uninten- ional radiators, except for receivers:* adio frequency equipment verified y the responsible party or for which n application for a grant of equipment authorization is submitted to the ommission on or after June 23, 1992, hall comply with the regulations pecified in this part. Radio frequency quipment that is manufactured or mported on or after June 23, 1994, hall comply with the regulations pecified in this part.

(b) *For receivers:* Receivers subject o the regulations in this part that are anufactured or imported on or after une 23, 1999, shall comply with the egulations specified in this part. However, if a receiver is associated with a ransmitter that could not have been uthorized under the regulations in ffect prior to June 23, 1989, e.g., a ransmitter operating under the provi- ions of §§ 15.209 or 15.249 (below 960 MHz), the transition provisions in this ection do not apply. Such receivers nust comply with the regulations in his part.

(c) There are no restrictions on the peration or marketing of equipment omplying with the regulations in ffect prior to June 23, 1989.

(d) Prior to May 25, 1991, person hall import, market or operate inten- ional radiators within the band 902- 05 MHz under the provisions of 15.249. Until that date, the Commis- ion will not issue a grant of equipment authorization for equipment operating under § 15.249 if the equipment is designed to permit operation within the band 902-905 MHz.

54 FR 17714, Apr. 25, 1989; 54 FR 32339, Aug. 7, 1989; 55 FR 25095, June 20, 1990]

Subpart B—Unintentional Radiators

§ 15.101 Equipment authorization of unintentional radiators.

(a) Except as otherwise exempted in §§ 15.23, 15.103, and 15.113, unintentional radiators shall be authorized by the Commission or verified prior to the initiation of marketing, as follows:

Type of device	Equipment authorization required [1]
TV broadcast receiver	Verification.
FM broadcast receiver	Do.
CB receiver	Certification.
Superregenerative receiver	Do.
Scanning receiver	Do.
All other receivers subject to Part 15	Notification.
TV interface device	Certification.
Cable system terminal device	Notification.
Stand-alone cable input selector switch.	Verification.
Class B personal computers & peripherals.	Certification.
Other Class B digital devices & peripherals.	Verification.
Class A digital devices & peripherals	Do.
External switching power supplies	Do.
All other devices	Do.

[1] See additional provisions in this section and in § 15.103 of this part.

(b) Only those receivers that operate (tune) within the frequency range of 30-960 MHz and CB receivers are subject to the authorizations shown in paragraph (a) of this section. However, receivers indicated as being subject to notification that are contained within a transceiver, the transmitter portion of which is subject to type acceptance, certification or notification, shall be authorized under the verification procedure. Receivers operating above 960 MHz or below 30 MHz, except for CB receivers, are exempt from complying with the technical provisions of this part but are subject to § 15.5.

(c) Personal computer mother boards (the circuit board performing the central processing) that are marketed assembled with an enclosure and a power supply must be certificated with that enclosure and power supply.

(d) Peripheral devices, as defined in § 15.3(r), shall be certified or verified, as appropriate, prior to marketing. However, if a peripheral always will be marketed with a specific personal computer, it is not necessary to obtain a separate grant of certification for that peripheral, provided the specific combination of personal computer and peripheral has received a grant of certification.

(e) Subassemblies to digital devices are not subject to the technical standards in this part unless they are marketed as part of a system in which case the resulting system must comply with the applicable regulations. Subassemblies include: Those devices that are enclosed solely within the enclosure housing the digital device and are not included in the definition of peripherals in § 15.3(r), such as internal disc drives and memory expansion units; digital devices marketed to another manufacturer to be incorporated into a final product; circuit boards containing the central processing unit that are marketed without an enclosure or power supply; and, switching power supplies that are separately marketed and are solely for use internal to a digital device.

(f) The procedures for obtaining a grant of certification or notification and for verification are contained in Subpart J of Part 2 of this chapter.

§ 15.103 Exempted devices.

The following devices are subject only to the general conditions of operation in §§ 15.5 and 15.29 and are exempt from the specific technical standards and other requirements contained in this part. The operator of the exempted device shall be required to stop operating the device upon a finding by the Commission or its representative that the device is causing harmful interference. Operation shall not resume until the condition causing the harmful interference has been corrected. Although not mandatory, it is strongly recommended that the manufacturer of an exempted device endeavor to have the device meet the specific technical standards in this part.

(a) A digital device utilized exclusively in any transportation vehicle including motor vehicles and aircraft.

(b) A digital device used exclusively as an electronic control or power system utilized by a public utility or in an industrial plant. The term public utility includes equipment only to the extent that it is in a dedicated building or large room owned or leased by the utility and does not extend to equipment installed in a subscriber's facility.

(c) A digital device used exclusively as industrial, commercial, or medical test equipment.

(d) A digital device utilized exclusively in an appliance, e.g., microwave oven, dishwasher, clothes dryer, air conditioner (central or window), etc.

(e) Specialized medical digital devices (generally used at the direction of or under the supervision of a licensed health care practitioner) whether used in a patient's home or a health care facility. Non-specialized medical devices, i.e., devices marketed through retail channels for use by the general public, are not exempted. This exemption also does not apply to digital devices used for record keeping or any purpose not directly connected with medical treatment.

(f) Digital devices that have a power consumption not exceeding 6 nW.

(g) Joystick controllers or similar devices, such as a mouse, used with digital devices but which contain only non-digital circuitry or a simple circuit to convert the signal to the format required (e.g., an integrated circuit for analog to digital conversion) are viewed as passive add-on devices, not themselves directly subject to the technical standards or the equipment authorization requirements.

(h) Digital devices in which both the highest frequency generated and the highest frequency used are less than 1.705 MHz and which do not operate from the AC power lines or contain provisions for operation while connected to the AC power lines. Digital devices that include, or make provision for the use of, battery eliminators, AC adaptors or battery chargers which permit operation while charging or that connect to the AC power lines indirectly, obtaining their power through another device which is connected to the AC power lines, do not fall under this exemption.

(i) Responsible parties should note that equipment containing more than one device is not exempt from the technical standards in this part unless all of the devices in the equipment meet the criteria for exemption. If only one of the included devices qualifies for exemption, the remainder of the equipment must comply with any applicable regulations. If a device performs more than one function and all of those functions do not meet the criteria for exemption, the device does not qualify for inclusion under the exemptions.

§ 15.105 Information to the user.

(a) For a Class A digital device or peripheral, the instructions furnished the user shall include the following or similar statement, placed in a prominent location in the text of the manual:

NOTE: This equipment has been tested and found to comply with the limits for a Class A digital device, pursuant to Part 15 of the FCC Rules. These limits are designed to provide reasonable protection against harmful interference when the equipment is operated in a commercial environment. This equipment generates, uses, and can radiate radio frequency energy and, if not installed and used in accordance with the instruction manual, may cause harmful interference to radio communications. Operation of this equipment in a residential area is likely to cause harmful interference in which case the user will be required to correct the interference at his own expense.

(b) For a Class B digital device or peripheral, the instructions furnished the user shall include the following or similar statement, placed in a prominent location in the text of the manual:

NOTE: This equipment has been tested and found to comply with the limits for a Class B digital device, pursuant to Part 15 of the FCC Rules. These limits are designed to provide reasonable protection against harmful interference in a residential installation. This equipment generates, uses and can radiate radio frequency energy and, if not installed and used in accordance with the instructions, may cause harmful interference to radio communications. However, there is no guarantee that interference will not occur in a particular installation. If this equipment does cause harmful interference to radio or television reception, which can be determined by turning the equipment off and on, the user is encouraged to try to correct the interference by one or more of the following measures:

- –Reorient or relocate the receiving antenna.
- –Increase the separation between the equipment and receiver.
- –Connect the equipment into an outlet on a circuit different from that to which the receiver is connected.
- –Consult the dealer or an experienced radio/TV technician for help.

(c) The provisions of paragraphs (a) and (b) of this section do not apply to digital devices exempted from the technical standards under the provisions of § 15.103.

(d) For systems incorporating several digital devices, the statement shown in paragraph (a) or (b) of this section needs to be contained only in the instruction manual for the main control unit.

§ 15.107 Conducted limits.

(a) Except for Class A digital devices, for equipment that is designed to be connected to the public utility (AC) power line, the radio frequency voltage that is conducted back onto the AC power line on any frequency or frequencies within the band 450 kHz to 30 MHz shall not exceed 250 microvolts. Compliance with this provision shall be based on the measurement of the radio frequency voltage between each power line and ground at the power terminals.

(b) For a Class A digital device that is designed to be connected to the public utility (AC) power line, the radio frequency voltage that is conducted back onto the AC power line on any frequency or frequencies within the band 450 kHz to 30 MHz shall not exceed the limits in the following table. Compliance with this provision shall be based on the measurement of the radio frequency voltage between each power line and ground at the power terminals. The lower limit applies at the band edges.

Frequency of emission (MHz)	Conducted limit (microvolts)
0.45 to 1.705	1000
1.705 to 30.0	3000

(c) For carrier current systems used as unintentional radiators whose emissions are contained within the frequency range 450 kHz to 30 MHz, the provisions of this section shall not apply. Such systems are subject to radiated emission limits as provided in § 15.109(e).

(d) Measurements to demonstrate compliance with the conducted limits are not required for devices which only employ battery power for operation and which do not operate from the AC power lines or contain provisions for operation while connected to the AC power lines. Devices that include, or make provision for, the use of battery chargers which permit operating while charging, AC adaptors or battery eliminators or that connect to the AC power lines indirectly, obtaining their power through another device which is connected to the AC power lines, shall be tested to demonstrate compliance with the conducted limits.

§ 15.109 Radiated emission limits.

(a) Except for Class A digital devices, the field strength of radiated emissions from unintentional radiators at a distance of 3 meters shall not exceed the following values:

Frequency of emission (MHz)	Field strength (microvolts/meter)
30–88	100
88–216	150
216–960	200
Above 960	500

(b) The field strength of radiated emissions from a Class A digital device, as determined at a distance of 10 meters, shall not exceed the following:

Frequency of emission (MHz)	Field strength (microvolts/meter)
30–88	90
88–216	150
216–960	210
Above 960	300

(c) In the emission tables above, the tighter limit applies at the band edges. Sections 15.33 and 15.35 which specify the frequency range over which radiated emissions are to be measured and the detector functions and other measurement standards apply.

(d) For CB receivers, the field strength of radiated emissions within the frequency range of 25–30 MHz shall not exceed 40 microvolts/meter at a distance of 3 meters. The field strength of radiated emissions above 30 MHz from such devices shall comply with the limits in paragraph (a) of this section.

(e) Carrier current systems used as unintentional radiators or other unintentional radiators that are designed to conduct their radio frequency emissions via connecting wires or cables and that operate in the frequency range of 9 kHz to 30 MHz, including devices that deliver the radio frequency energy to transducers, such as ultrasonic devices not covered under Part 18 of this chapter, shall comply with the radiated emission limits for intentional radiators provided in § 15.209 for the frequency range of 9 kHz to 30 MHz. At frequencies above 30 MHz, the provisions of paragraph (a) of this section apply.

(f) For a receiver which employs terminals for the connection of an external receiving antenna, the receiver shall be tested to demonstrate compliance with the provisions of this section with an antenna connected to the antenna terminals unless the antenna conducted power is measured as specified in § 15.111(a). If a permanently attached receiving antenna is used, the receiver shall be tested to demonstrate compliance with the provisions of this section.

§ 15.111 Antenna power conduction limits for receivers.

(a) In addition to the radiated emission limits, receivers that operate (tune) in the frequency range 30 to 960 MHz and CB receivers that provide terminals for the connection of an external receiving antenna may be tested to demonstrate compliance with the provisions of § 15.109 with the antenna terminals shielded and terminated with a resistive termination equal to the impedance specified for the antenna, provided these receivers also comply with the following: With the receiver antenna terminal connected to a resistive termination equal to the impedance specified or employed for the antenna, the power at the antenna terminal at any frequency within the range of measurement specified in § 15.33 shall not exceed 2.0 nanowatts.

(b) CB receivers and receivers that operate (tune) in the frequency range 30 to 960 MHz that are provided only with a permanently attached antenna shall comply with the radiated emission limitations in this part, as measured with the antenna attached.

§ 15.113 Power line carrier systems.

Power line carrier systems, as defined in § 15.3(t), are subject only to the following requirements:

(a) A power utility operating a power line carrier system shall submit the details of all existing systems plus any proposed new systems or changes to existing systems to an industry-operated entity as set forth in § 90.63(g) of this chapter. No notification to the FCC is required.

(b) The operating parameters of a power line carrier system (particularly the frequency) shall be selected to achieve the highest practical degree of compatibility with authorized or licensed users of the radio spectrum. The signals from this operation shall be contained within the frequency band 9 kHz to 490 kHz. A power line carrier system shall operate on an unprotected, non-interference basis in accordance with § 15.5 of this part. If harmful interference occurs, the electric power utility shall discontinue use or adjust its power line carrier operation, as required, to remedy the interference. Particular attention should be paid to the possibility of interference to Loran C operations at 100 kHz.

(c) Power line carrier system apparatus shall be operated with the minimum power possible to accomplish the desired purpose. No equipment authorization is required.

(d) The best engineering principles shall be used in the generation of radio frequency currents by power line carrier systems to guard against harmful interference to authorized radio users, particularly on the fundamental and harmonic frequencies.

(e) Power line carrier system apparatus shall conform to such engineering standards as may be promulgated by the Commission. In addition, such systems should adhere to industry approved standards designed to enhance the use of power line carrier systems.

(f) The provisions of this Section apply only to systems operated by a power utility for general supervision of the power system and do not permit operation on electric lines which connect the distribution substation to the customer or house wiring. Such operation can be conducted under the other provisions of this part.

[54 FR 17714, Apr. 25, 1989; 54 FR 32339, Aug. 7, 1989]

§ 15.115 TV interface devices, including cable system terminal devices.

(a) Measurements of the radiated emissions of a TV interface device shall be conducted with the output terminal(s) of the device terminated by a resistance equal to the rated output impedance. The emanations of a TV interface device incorporating an intentional radiator shall not exceed the limits in § 15.109 or Subpart C of this part, whichever is higher for each frequency. Where it is possible to determine which portion of the device is contributing a particular radio frequency emission, the emissions from the TV interface device portion shall comply with the emission limits in § 15.109, and the emissions from the intentional radiator shall comply with Subpart C of this part.

(b) Output signal limits:

(1) At any RF output terminal, the maximum measured RMS voltage, in microvolts, corresponding to the peak envelope power of the modulated signal during maximum amplitude peaks across a resistance (R in ohms) matching the rated output impedance of the TV interface device, shall not exceed the following:

(i) For a cable system terminal device or a TV interface device used with a master antenna, 692.8 times the square root of (R) for the video signal and 155 times the square root of (R) for the audio signal.

(ii) For all other TV interface devices, 346.4 times the square root of (R) for the video signal and 77.5 times the square root of (R) for the audio signal.

(2) At any RF output terminal, the maximum measured RMS voltage, in

microvolts, corresponding to the peak envelope power of the modulated signal during maximum amplitude peaks across a resistance (R in ohms) matching the rated output impedance of the TV interface device, of any emission appearing on frequencies removed by more than 4.6 MHz below or 7.4 MHz above the video carrier frequency on which the TV interface device is operated shall not exceed the following:

(i) For a cable system terminal device or a TV interface device used with a master antenna, 692.8 times the square root of (R).

(ii) For all other TV interface devices, 10.95 times the square root of (R).

(3) The term "master antenna" used in this paragraph refers to TV interface devices employed for central distribution within large buildings such as apartments, hospitals, office buildings, etc.

NOTE: Cable-ready video cassette recorders continue to be subject to the provisions for general TV interface devices pending further action by the Commission.

(c) A TV interface device shall be equipped with a transfer switch for connecting the antenna terminals of a receiver selectively either to the receiving antenna or to the radio frequency output of the TV interface device, subject to the following:

(1) When measured in any of its set positions, transfer switches shall comply with the following requirements:

(i) For a cable system terminal device or a TV interface device equipped for use with a cable system or a master antenna, as defined in paragraph (b)(3) of this section, the isolation between the antenna and cable input terminals shall be at least 80 dB from 54 to 216 MHz and at least 60 dB from 216 to 550 MHz. The 80 dB limit applies at 216 MHz. In the case of a transfer switch requiring a power source, the required isolation shall be maintained in the event the device is not connected to a power source or power is interrupted.

(ii) For all other TV interface devices, the maximum voltage, corresponding to the peak envelope power of the modulated video signal during maximum amplitude peaks, in microvolts, appearing at the receiving antenna input terminals when terminated with a resistance (R in ohms) matching the rated impedance of the antenna input of the switch, shall not exceed 0.346 times the square root of (R).

(iii) Measurement to determine compliance with the transfer switch limits shall be made using a connecting cable, where required, between the TV interface device and the transfer switch of the type and length:

(A) Provided with the TV interface device,

(B) Recommended in the instruction manual, or

(C) Normally employed by the consumer.

(2) A TV interface device shall be designed and constructed, to the extent practicable, so as to preclude the possibility that the consumer may inadvertently attach the output of the device to the receiving antenna, if any, without first going through the transfer switch.

(3) A transfer switch is not required for a TV interface device that, when connected, results in the user no longer having any need to receive standard over-the-air broadcast signals via a separate antenna. A transfer switch is not required to be marketed with a cable system terminal device unless that device provides for the connection of an external antenna. A transfer switch is not required for a device that is intended to be used as an accessory to an authorized TV interface device.

(4) An actual transfer switch is not required for a TV interface device, including a cable system terminal device, that has an antenna input terminal(s); provided, the circuitry following the antenna input terminal(s) has sufficient bandwidth to allow the reception of all TV broadcast channels authorized under Part 73 of this chapter and: For a cable system terminal device that can alternate between the reception of cable television service and an antenna, compliance with the isolation requirement specified in paragraph (c)(1)(i) of this section can be demonstrated; and, for all other TV interface devices, the maximum voltage appear-

ing at the antenna terminal(s) does not exceed the limit in paragraph (c)(1)(ii) of this section.

(5) If a transfer switch is not required, the following label shall be used in addition to the label shown in § 15.19(a):

This device is intended to be attached to a receiver that is not used to receive over-the-air broadcast signals. Connection of this device in any other fashion may cause harmful interference to radio communications and is in violation of the FCC Rules, Part 15.

(d) A TV interface device, including a cable system terminal device, shall incorporate circuitry to automatically prevent emanations from the device from exceeding the technical specifications in this part. These circuits shall be adequate to accomplish their functions when the TV interface device is presented, if applicable, with video input signal levels in the range of one to five volts; this requirement is not applicable to a TV interface device that uses a built-in signal source and has no provisions for the connection of an external signal source. For devices that contain provisions for an external signal source but do not contain provisions for the input of an external baseband signal, e.g., some cable system terminal devices, compliance with the provisions of this paragraph shall be demonstrated with a radio frequency input signal of 0 to 25 dBmV.

(e) For cable system terminal devices and TV interface devices used with a master antenna, as defined in paragraph (b)(3) of this section, the holder of the grant of authorization shall specify in the instruction manual or pamphlet, if a manual is not provided, the types of wires or coaxial cables necessary to ensure that the unit complies with the requirements of this part. The holder of the grant of authorization must comply with the provisions of § 15.27. For all other TV interface devices, the wires or coaxial cables used to couple the output signals to the TV receiver shall be provided by the responsible party.

(f) A TV interface device which is submitted to the Commission as a composite device in a single enclosure containing a RF modulator, video source and other component devices shall be submitted on a single application (FCC Form 731) and shall be authorized as a single device.

(g) An external device or accessory that is intended to be attached to a TV interface device shall comply with the technical and administrative requirements set out in the rules under which it operates. For example, a personal computer must be certificated to show compliance with the regulations for digital devices.

[54 FR 17714, Apr. 25, 1989; 54 FR 32339, Aug. 7, 1989]

§ 15.117 TV broadcast receivers.

(a) All TV broadcast receivers shipped in interstate commerce or imported from any foreign country into the United States, for sale or resale to the public, shall comply with the provisions of this section. The reference in this section to TV broadcast receivers also includes devices, such as TV interface devices, that incorporate the tuner portion of a TV broadcast receiver and that are equipped with an antenna or antenna terminals that can be used for the off-the-air reception of TV broadcast signals, as authorized under Part 73 of this chapter.

(b) TV broadcast receivers shall be capable of adequately receiving all channels allocated by the Commission to the television broadcast service.

(c) On a given receiver, use of the UHF and VHF tuning systems shall provide approximately the same degree of tuning accuracy with approximately the same expenditure of time and effort: *Provided, however,* That this requirement will be considered to be met if the need for routine fine tuning is eliminated on UHF channels.

(1) *Basic tuning mechanism.* If a TV broadcast receiver is equipped to provide for repeated access to VHF television channels at discrete tuning positions, that receiver shall be equipped to provide for repeated access to a minimum of six UHF television channels at discrete tuning positions. Unless a discrete tuning position is provided for each channel allocated to UHF television, each position shall be readily adjustable to a particular UHF channel by the user without the use of

tools. If 12 or fewer discrete tuning positions are provided, each position shall be adjustable to receive any channel allocated to UHF television.

NOTE: The combination of detented rotary switch and pushbutton controls is acceptable, provided UHF channels, after their initial selection, can be accurately tuned with an expenditure of time and effort approximately the same as that used in accurately tuning VHF channels. A UHF tuning system comprising five pushbuttons and a separate manual tuning knob is considered to provide repeated access to six channels at discrete tuning positions. A one-knob (VHF/UHF) tuning system providing repeated access to 11 or more discrete tuning positions is also acceptable, provided each of the tuning positions is readily adjustable, without the use of tools, to receive any UHF channel.

(2) *Tuning controls and channel readout.* UHF tuning controls and channel readout on a given receiver shall be comparable in size, location, accessibility and legibility to VHF controls and readout on that receiver.

NOTE: Differences between UHF and VHF channel readout that follow directly from the larger number of UHF television channels available are acceptable if it is clear that a good faith effort to comply with the provisions of this section has been made.

(d) If equipment and controls that tend to simplify, expedite or perfect the reception of television signals (e.g., AFC, visual aids, remote control, or signal seeking capability referred to generally as tuning aids) are incorporated into the VHF portion of a TV broadcast receiver, tuning aids of the same type and comparable capability and quality shall be provided for the UHF portion of that receiver.

(e) If a television receiver has an antenna affixed to the VHF antenna terminals, it must have an antenna designed for and capable of receiving all UHF television channels affixed to the UHF antenna terminals. If a VHF antenna is provided with but not affixed to a receiver, a UHF antenna shall be provided with the receiver.

(f) The picture sensitivity of a TV broadcast receiver averaged for all channels between 14 and 69 inclusive shall not be more than 8dB larger than the peak picture sensitivity of that receiver averaged for all channels between 2 and 13 inclusive.

(g) The noise figure for any television channel 14 to 69 inclusive shall not exceed 14 dB. A TV receiver model is considered to comply with this noise figure if the maximum noise figure for channels 14–69 inclusive of 97.5% of all receivers within that model does not exceed 14 dB.

(1) The responsible party shall measure the noise figure of a number of UHF channels of the test sample to give reasonable assurance that the UHF noise figure for each channel complies with the above limit.

(2) The responsible party shall insert in his files a statement explaining the basis on which it will rely to ensure that at least 97.5% of all production units of the test sample that are manufactured have a noise figure of no greater than 14 dB.

(3) Within one year after a specific TV receiver model has been verified for compliance, the responsible party shall file a report with the Commission giving the actual UHF noise figure performance of units of that model actually measured during that year. The report, as an alternative, may be filed by the party responsible for the marketing of that model TV broadcast receiver within this country.

(4) In the case of a TV tuner built-in as part of a video tape recorder that uses a power splitter between the antenna terminals of the video tape recorder and the input terminals of the TV tuner or a TV broadcast receiver that uses a power splitter between the antenna terminals of two or more UHF tuners contained within that receiver, 4 dB may be subtracted from the noise figure measured at the antenna terminals of the video tape recorder or TV broadcast receiver for determining compliance of the UHF tuner(s) with the 14 dB noise figure limit.

(h) For a TV broadcast receiver equipped with a cable input selector switch, the selector switch shall provide in any of its set positions isolation between the antenna and cable input terminals of at least 80 dB from 54 to 216 MHz, and of at least 60 dB from 216 to 550 MHz. At MHz, the 80 dB isolation standard applies. In the case of a selector switch requiring a power source, the required isolation shall be maintained in the event the device is not connected to a power source or power is interrupted. A physical cable input selector switch is not required for a TV broadcast receiver that can alternate between the reception of cable television service and an antenna, provided compliance with the isolation requirement specified in this paragraph can be demonstrated and the circuitry following the antenna input terminal(s) has sufficient bandwidth to allow the reception of all TV broadcast channels authorized under this chapter.

Subpart C—Intentional Radiators

§ 15.201 Equipment authorization requirement.

(a) Intentional radiators operated as carrier current systems and devices operated under the provisions of §§ 15.211, 15.213 and 15.221 shall be verified pursuant to the procedures in Subpart J of Part 2 of this chapter prior to marketing.

(b) Except as otherwise exempted in paragraph (c) of this section and in § 15.23 of this part, all intentional radiators operating under the provisions of this part shall be certificated by the Commission pursuant to the procedures in Subpart J of Part 2 of this chapter prior to marketing.

(c) For devices such as perimeter protection systems which, in accordance with § 15.31(d), are required to be measured at the installation site, each application for certification must be accompanied by a statement indicating that the system has been tested at three installations and found to comply at each installation. Until such time as certification is granted, a given installation of a system that was measured for the submission for certification will be considered to be in compliance with the provisions of this chapter, including the marketing regulations in Subpart I of Part 2 of this chapter, if tests at that installation show the system to be in compliance with the relevant technical requirements. Similarly, where measurements must be performed on site for equipment subject to verification, a given installation that has been verified to demonstrate compliance with the applicable standards will be considered to be in compliance with the provisions of this chapter, including the marketing regulations in Subpart I of Part 2 of this chapter.

(d) For perimeter protection systems operating in the frequency bands allocated to television broadcast stations operating under Part 73 of this chapter, the holder of the grant of certification must test each installation prior to initiation of normal operation to verify compliance with the technical standards and must maintain a list of all installations and records of measurements. For perimeter protection systems operating outside of the frequency bands allocated to television broadcast stations, upon receipt of a grant of certification, further testing of the same or similar type of system or installation is not required.

§ 15.203 Antenna requirement.

An intentional radiator shall be designed to ensure that no antenna other than that furnished by the responsible party shall be used with the device. The use of a permanently attached antenna or of an antenna that uses a unique coupling to the intentional radiator shall be considered sufficient to comply with the provisions of this section. The manufacturer may design the unit so that a broken antenna can be replaced by the user, but the use of a standard antenna jack or electrical connector is prohibited. This requirement does not apply to carrier current devices or to devices operated under the provisions of §§ 15.211, 15.213, 15.217, 15.219, or 15.221. Further, this requirement does not apply to intentional radiators that must be professionally installed, such as perimeter protection systems and some field disturbance sensors, or to other intentional radiators which, in accordance with § 15.31(d), must be measured at the installation site. However, the installer shall be responsible for ensuring that the proper antenna is employed so that the limits in this part are not exceeded.

[54 FR 17714, Apr. 25, 1989, as amended at 55 FR 28762, July 13, 1990]

§ 15.205 Restricted bands of operation.

(A) Except as shown in paragraph (d) of this section, only spurious emissions are permitted in any of the frequency bands listed below:

MHz	MHz	MHz	GHz
0.090–0.110	162.0125–167.17	2310–2390	9.3–9.5
0.49–0.51	167.72–173.2	2438.5–2500	10.6–12.7
2.1735–2.1905	240–285	2655–2900	13.25–13.4
8.362–8.366	322–335.4	3260–3267	14.47–14.5
13.36–13.41	399.9–410	3332–3339	15.35–16.2
25.5–25.67	608–614	3345.8–3358	17.7–21.4
37.5–38.25	960–1240	3600–4400	22.01–23.12
73–75.4	1300–1427	4500–5250	23.6–24.0
108–121.94	1435–1626.5	5350–5460	31.2–31.8
123–138	1660–1710	7250–7750	36.43–36.5
149.9–150.05	1718.8–1722.2	8025–8500	Above 38.6
156.7–156.9	2200–2300	9000–9200	

(b) Except as provided in paragraph (d) of this section, the field strength of emissions appearing within these frequency bands shall not exceed the limits shown in § 15.209. At frequencies equal to or less than 1000 MHz, compliance with the limits in § 15.209 shall be demonstrated using measurement instrumentation employing a CISPR quasi-peak detector. Above 1000 MHz, compliance with the emission limits in § 15.209 shall be demonstrated based on the average value of the measured emissions. The provisions in § 15.35 apply to these measurements.

(c) Except as provided in paragraph (d) of this section, regardless of the field strength limits specified elsewhere in this subpart, the provisions of this section apply to emissions from any intentional radiator.

(d) The following devices are exempt from the requirements of this section:

(1) Swept frequency field disturbance sensors operating between 1.705 and 37 MHz provided their emissions only sweep through the bands listed in paragraph (a) of this section, the sweep is never stopped with the fundamental emission within the bands listed in paragraph (a) of this section, and the fundamental emission is outside of the bands listed in paragraph (a) of this section more than 99% of the time the device is actively transmitting, without compensation for duty cycle.

(2) Transmitters used to detect buried electronic markers at 101.4 kHz which are employed by telephone companies.

(3) Cable locating equipment operated pursuant to § 15.213.

§ 15.207 Conducted limits.

(a) For an intentional radiato which is designed to be connected t the public utility (AC) power line, th radio frequency voltage that is con ducted back onto the AC power line o any frequency or frequencies withi the band 450 kHz to 30 MHz shall no exceed 250 microvolts. Complianc with this provision shall be based o the measurement of the radio frequen cy voltage between each power lin and ground at the power terminals.

(b) The limit in paragraph (a) of th section shall not apply to intentiona radiators operated as carrier curren systems in the frequency range of 45 kHz to 30 mHz. Such systems are su ject to radiated emission limits as pr vided in §§ 15.205 and 15.209.

(c) Measurements to demonstra compliance with the conducted limi are not required for devices whi only employ battery power for ope ation and which do not operate fro the AC power lines or contain pro sions for operation while connected the AC power lines. Devices that clude, or make provision for, the u of battery chargers which permit ope ating while charging. AC adaptors battery eliminators or that connect the AC power lines indirectly, obta ing their power through anoth device which is connected to the power lines, shall be tested to demonstrate compliance with the conducted limits.

§ 15.209 Radiated emission limits; general requirements.

(a) Except as provided elsewhere in this subpart, the emissions from an intentional radiator shall not exceed the field strength levels specified in the following table:

Frequency (MHz)	Field strength (microvolts/meter)	Measurement distance (meters)
0.009–0.490	2400/F(kHz)	300
0.490–1.705	24000/F(kHz)	30
1.705–30.0	30	30
30–88	100 **	3
88–216	150 **	3
216–960	200 **	3
Above 960	500	3

** Except as provided in paragraph (g), fundamental emissions from intentional radiators operating under this Section shall not be located in the frequency bands 54–72 MHz, 76–88 MHz, 174–216 MHz or 470–806 MHz. However, operation within these frequency bands is permitted under other sections of this part, e.g., §§ 15.231 and 15.241.

(b) In the emission table above, the tighter limit applies at the band edges.

(c) The level of any unwanted emissions from an intentional radiator operating under these general provisions shall not exceed the level of the fundamental emission. For intentional radiators which operate under the provisions of other sections within this part and which are required to reduce their unwanted emissions to the limits specified in this table, the limits in this table are based on the frequency of the unwanted emission and not the fundamental frequency. However, the level of any unwanted emissions shall not exceed the level of the fundamental frequency.

(d) The emission limits shown in the above table are based on measurements employing a CISPR quasi-peak detector except for the frequency bands 9–90 kHz, 110–490 kHz and above 1000 MHz. Radiated emission limits in these three bands are based on measurements employing an average detector.

(e) The provisions in §§ 15.31, 15.33, and 15.35 for measuring emissions at distances other than the distances specified in the above table, determining the frequency range over which radiated emissions are to be measured, and limiting peak emissions apply to all devices operated under this part.

(f) In accordance with § 15.33(a), in some cases the emissions from an intentional radiator must be measured to beyond the tenth harmonic of the highest fundamental frequency designed to be emitted by the intentional radiator because of the incorporation of a digital device. If measurements above the tenth harmonic are so required, the radiated emissions above the tenth harmonic shall comply with the general radiated emission limits applicable to the incorporated digital device, as shown in § 15.109 and as based on the frequency of the emission being measured, or, except for emissions contained in the restricted frequency bands shown in § 15.205, the limit on spurious emissions specified for the intentional radiator, whichever is the higher limit. Emissions which must be measured above the tenth harmonic of the highest fundamental frequency designed to be emitted by the intentional radiator and which fall within the restricted bands shall comply with the general radiated emission limits in § 15.109 that are applicable to the incorporated digital device.

(g) Operation in the frequency bands allocated to TV broadcast stations:

(1) Perimeter protection systems operating under the provisions of this section in the frequency bands allocated to TV broadcast stations, as shown in part 73 of this Chapter, shall contain their fundamental emissions within the frequency bands 54–72 MHz and 76–88 MHz. Further, the use of such perimeter protection systems is limited to industrial, business and commercial applications.

(2) Biomedical telemetry devices operating under the provisions of this section in the frequency bands allocated to TV broadcast stations, as shown in part 73 of this Chapter, shall contain their fundamental emissions within the frequency band 512–566 MHz. Further, the marketing and the use of biomedical telemetry devices operating under this paragraph shall be limited to hospitals.

[54 FR 17714, Apr. 25, 1989; 54 FR 32339, Aug. 7, 1989; 55 FR 18340, May 2, 1990]

§ 15.211 Tunnel radio systems.

An intentional radiator utilized as part of a tunnel radio system may operate on any frequency provided it meets all of the following conditions:

(a) Operation of a tunnel radio system (intentional radiator and all connecting wires) shall be contained solely within a tunnel, mine or other structure that provides attenuation to the radiated signal due to the presence of naturally surrounding earth and/or water.

(b) Any intentional or unintentional radiator external to the tunnel, mine or other structure, as described in paragraph (a) of this section, shall be subject to the other applicable regulations contained within this part.

(c) The total electromagnetic field from a tunnel radio system on any frequency or frequencies appearing outside of the tunnel, mine or other structure described in paragraph (a) of this section, shall not exceed the limits shown in § 15.209 when measured at the specified distance from the surrounding structure, including openings. Particular attention shall be paid to the emissions from any opening in the structure to the outside environment. When measurements are made from the openings, the distances shown in § 15.209 refer to the distance from the plane of reference which fits the entire perimeter of each above ground opening.

(d) The conducted limits in § 15.207 apply to the radiofrequency voltage on the public utility power lines outside of the tunnel.

§ 15.213 Cable locating equipment.

An intentional radiator used as cable locating equipment, as defined in § 15.3(d), may be operated on any frequency within the band 9-490 kHz, subject to the following limits: Within the frequency band 9 kHz, up to, but not including, 45 kHz, the peak output power from the cable locating equipment shall not exceed 10 watts; and, within the frequency band 45 kHz to 490 kHz, the peak output power from the cable locating equipment shall not exceed one watt. If provisions are made for connection of the cable locating equipment to the AC power lines, the conducted limits in § 15.207 also apply to this equipment.

RADIATED EMISSION LIMITS, ADDITIONAL PROVISIONS

§ 15.215 Additional provisions to the general radiated emission limitations.

(a) The regulations in §§ 15.217 through 15.251 provide alternatives to the general radiated emission limits for intentional radiators operating in specified frequency bands. Unless otherwise stated, there are no restrictions as to the types of operation permitted under these sections.

(b) In most cases, unwanted emissions outside of the frequency bands shown in these alternative provisions must be attenuated to the emission limits shown in § 15.209. In no case shall the level of the unwanted emissions from an intentional radiator operating under these additional provisions exceed the field strength of the fundamental emission.

(c) For those bands of frequencies where alternative radiated emission limitations apply and for which a frequency stability is not specified, it i recommended that the fundamental frequency be kept within at least the central 80% of the permitted band i order to minimize the possibility o out-of-band operation.

(d) Where the following section specify limits on the bandwidth of th emissions, the bandwidth limits i clude the effects of frequency sweep ing, frequency hopping, and othe modulation techniques which may b employed.

§ 15.217 Operation in the band 160-19 kHz.

(a) The total input power to th final radio frequency stage (exclusi of filament or heater power) shall n exceed one watt.

(b) The total length of the transmi sion line, antenna, and ground lead used) shall not exceed 15 meters.

(c) All emissions below 160 kHz above 190 kHz shall be attenuated least 20 dB below the level of the u modulated carrier. Determination compliance with the 20 dB attenuati specification may be based on measurements at the intentional radiator's antenna output terminal unless the intentional radiator uses a permanently attached antenna, in which case compliance shall be demonstrated by measuring the radiated emissions.

§ 15.219 Operation in the band 510–1705 kHz.

(a) The total input power to the final radio frequency stage (exclusive of filament or heater power) shall not exceed 100 milliwatts.

(b) The total length of the transmission line, antenna and ground lead (if used) shall not exceed 3 meters.

(c) All emissions below 510 kHz or above 1705 kHz shall be attenuated at least 20 dB below the level of the unmodulated carrier. Determination of compliance with the 20 dB attenuation specification may be based on measurements at the intentional radiator's antenna output terminal unless the intentional radiator uses a permanently attached antenna, in which case compliance shall be deomonstrated by measuring the radiated emissions.

§ 15.221 Operation in the band 525–1705 kHz.

(a) The provisions of this section are restricted to the operation of an AM broadcast station on a college or university campus or on the campus of any other educational institution. Operation is restricted to the ground of the campus. For the band 535-1705 kHz, the frequency of operation shall be chosen such that operation is not within the protected field strength contours of licensed AM stations.

(b) On the campus, the field strength of emissions appearing outside of this frequency band shall not exceed the general radiated emission limits shown in § 15.209 as measured from the radiating source. There is no limit on the field strength of emissions appearing within this frequency band, except that the provisions of § 15.5 continue to apply.

(c) At the perimeter of the campus, the field strength of any emissions, including those within the frequency band 525-1705 kHz, shall not exceed the general radiated emission limits in § 15.209.

(d) The conducted limits specified in § 15.207 apply to the radio frequency voltatge on the public utility power lines outside of the campus. Due to the large number of radio frequency devices which may be used on the campus, contributing to the conducted emissions, as an alternative to measuring conducted emissions on the AC power lines outside of the campus, it is acceptable to demonstrate compliance with this provision by measuring each individual intentional radiator employed in the system at the point where it connects to the AC power lines. As provided in § 15.207(b), if only a carrier current system is employed, the AC power line conducted limits do not apply. However, the radiated emission limits provided in this section apply to carrier current systems.

(e) A grant of equipment authorization is not required for a campus radio system. In lieu thereof, a campus radio system shall be verified for compliance with the regulations in accordance with Subpart J of Part 2 of this chapter. This data shall be kept on file at the location of the studio, office or control room associated with the transmitting equipment. In some cases, this may correspond to the location of the transmitting equipment.

§ 15.223 Operation in the band 1.705–10 MHz.

(a) The field strength of any emission within the band 1.705-10.0 MHz shall not exceed 100 microvolts/meter at a distance of 30 meters. However, if the bandwidth of the emission is less than 10% of the center frequency, the field strength shall not exceed 15 microvolts/meter or (the bandwidth of the device in kHz) divided by (the center frequency of the device in MHz) microvolts/meter at a distance of 30 meters, whichever is the higher level. For the purposes of this section, bandwidth is determined at the points 6 dB down from the modulated carrier. The emission limits in this paragraph are based on measurement instrumentation employing an average detector. The provisions in § 15.35(b) for limiting peak emissions apply.

(b) The field strength of emissions outside of the band 1.705-10.0 MHz shall not exceed the general radiated emission limits in § 15.209.

§ 15.225 Operation within the band 13.553-13.567 MHz.

(a) The field strength of any emissions within this band shall not exceed 10,000 microvolts/meter at 30 meters.

(b) The field strength of any emissions appearing outside of this band shall not exceed the general radiated emission limits shown in § 15.209.

(c) The frequency tolerance of the carrier signal shall be maintained within ±0.01% of the operating frequency over a temperature variation of −20 degrees to +50 degrees C at normal supply voltage, and for a variation in the primary supply voltage from 85% to 115% of the rated supply voltage at a temperature of 20 degrees C. For battery operated equipment, the equipment tests shall be performed using a new battery.

§ 15.227 Operation within the band 26.96-27.28 MHz.

(a) The field strength of any emission within this band shall not exceed 10,000 microvolts/meter at 3 meters. The emission limit in this paragraph is based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.

(b) The field strength of any emissions which appear outside of this band shall not exceed the general radiated emission limits in § 15.209.

§ 15.229 Operation within the band 40.66-40.70 MHz.

(a) Unless operating pursuant to the provisions in § 15.231, the field strength of any emissions within this band shall not exceed 1,000 microvolts/meter at 3 meters.

(b) As an alternative to the limit in paragraph (a) of this section, perimeter protection systems may demonstrate compliance with the following: the field strength of any emissions within this band shall not exceed 500 microvolts/meter at 3 meters, as determined using measurement instrumentations employing an average detector. The provisions in § 15.35 for limiting peak emissions apply where compliance of these devices is demonstrated under this alternative emission limit.

(c) The field strength of any emissions appearing outside of this band shall not exceed the general radiated emission limits in § 15.209.

(d) The frequency tolerance of the carrier signal shall be maintained within ±0.01% of the operating frequency over a temperature variation of −20 degrees to +50 degrees C at normal supply voltage, and for a variation in the primary supply voltage from 85% to 115% of the rated supply voltage at a temperature of 20 degrees C. For battery operated equipment, the equipment tests shall be performed using a new battery.

[54 FR 17714, Apr. 25, 1989, as amended at 55 FR 33910, Aug. 20, 1990]

§ 15.231 Periodic operation in the band 40.66-40.70 MHz and above 70 MHz.

(a) The provisions of this section are restricted to periodic operation within the band 40.66-40.70 MHz and above 70 MHz. Except as shown in paragraph (e) of this section, the intentional radiator is restricted to the transmission of a control signal such as those used with alarm systems, door openers, remote switches, etc. Radio control of toys is not permitted. Continuous transmissions, such as voice or video, and data transmissions are not permitted. The prohibition against data transmissions does not preclude the use of recognition codes. Those codes are used to identify the sensor that is activated or to identify the particular component as being part of the system. The following conditions shall be met to comply with the provisions for this periodic operation:

(1) A manually operated transmitter shall employ a switch that will automatically deactivate the transmitter within not more than 5 seconds of being released.

(2) A transmitter activated automatically shall cease transmission within 5 seconds after activation.

(3) Periodic transmissions at regular predetermined intervals are not permitted. However, polling or supervision transmissions to determine system integrity of transmitters used

in security or safety applications are allowed if the periodic rate of transmission does not exceed one transmission of not more than one second duration per hour for each transmitter.

(4) Intentional radiators which are employed for radio control purposes during emergencies involving fire, security, and safety of life, when activated to signal an alarm, may operate during the pendency of the alarm condition

(b) In addition to the provisions of § 15.205, the field strength of emissions from intentional radiators operated under this section shall not exceed the following:

Fundamental frequency (MHz)	Field strength of fundamental (microvolts/meter)	Field strength of spurious emissions (microvolts/meter)
40.66–40.70	2,250	225
70–130	1,250	125
130–174	[1] 1,250 to 3,750	[1] 125 to 375
174–260	3,750	375
260–470	[1] 3,750 to 12,500	[1] 375 to 1,250
Above 470	12,500	1,250

[1] Linear interpolations.

(1) The above field strength limits are specified at a distance of 3 meters. The tighter limits apply at the band edges.

(2) Intentional radiators operating under the provisions of this Section shall demonstrate compliance with the limits on the field strength of emissions, as shown in the above table, based on the average value of the measured emissions. As an alternative, compliance with the limits in the above table may be based on the use of measurement instrumentation with a CISPR quasi-peak detector. The specific method of measurement employed shall be specified in the application for equipment authorization. If average emission measurements are employed, the provisions in § 15.35 for averaging pulsed emissions and for limiting peak emissions apply. Further, compliance with the provisions of § 15.205 shall be demonstrated using the measurement instrumentation specified in that section.

(3) The limits on the field strength of the spurious emissions in the above table are based on the fundamental frequency of the intentional radiator. Spurious emissions shall be attenuated to the average (or, alternatively, CISPR quasi-peak) limits shown in this table or to the general limits shown in § 15.209, whichever limit permits a higher field strength.

(c) The bandwidth of the emission shall be no wider than 0.25% of the center frequency for devices operating above 70 MHz and below 900 MHz. For devices operating above 900 MHz, the emission shall be no wider than 0.5% of the center frequency. Bandwidth is determined at the points 20 dB down from the modulated carrier.

(d) For devices operating within the frequency band 40.66–40.70 MHz, the bandwidth of the emission shall be confined within the band edges and the frequency tolerance of the carrier shall be ± 0.01%. This frequency tolerance shall be maintained for a temperature variation of −20 degrees to +50 degrees C at normal supply voltage, and for a variation in the primary supply voltage from 85% to 115% of the rated supply voltage at a temperature of 20 degrees C. For battery operated equipment, the equipment tests shall be performed using a new battery.

(e) Intentional radiators may operate at a periodic rate exceeding that specified in paragraph (a) of this section and may be employed for any type of operation, including operation prohibited in paragraph (a) of this section, provided the intentional radiator complies with the provisions of paragraphs (b) through (d) of this section, except the field strength table in paragraph (b) of this section is replaced by the following:

Fundamental frequency (MHz)	Field strength of fundamental (microvolts/meter)	Field strength of spurious emission (microvolts/meter)
40.66–40.70	1,000	100
70–130	500	50
130–174	500 to 1,500 [1]	50 to 150 [1]
174–260	1,500	150
260–470	1,500 to 5,000 [1]	150 to 500 [1]
Above 470	5,000	500

[1] Linear interpolations.

In addition, devices operated under the provisions of this paragraph shall be provided with a means for automatically limiting operation so that the duration of each transmission shall not be greater than one second and the silent period between transmissions shall be at least 30 times the duration of the transmission but in no case less than 10 seconds.

[54 FR 17714, Apr. 25, 1989; 54 FR 32340, Aug. 7, 1989]

§ 15.233 Operation within the bands 46.60–46.98 MHz and 49.66–50.0 MHz.

(a) The provisions shown in this section are restricted to cordless telephones.

(b) An intentional radiator used as part of a cordless telephone system shall operate on any frequency within 10 kHz of one or more of the following frequency pairs:

Channel	Base transmitter (MHz)	Handset transmitter (MHz)
1	46.610	49.670
2	46.630	49.845
3	46.670	49.860
4	46.710	49.770
5	46.730	49.875
6	46.770	49.830
7	46.830	49.890
8	46.870	49.930
9	46.930	49.990
10	46.970	49.970

(c) The field strength of the fundamental emission shall not exceed 10,000 microvolts/meter at 3 meters. The emission limit in this paragraph is based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.

(d) The fundamental emission shall be confined within a 20 kHz band centered on the frequencies listed in paragraph (b) of this section, as adjusted by the frequency tolerance of the transmitter at the time testing is performed. Modulation products outside of this 20 kHz band shall be attenuated at least 26 dB below the level of the unmodulated carrier or to the general limits in § 15.209, whichever permits the higher emission levels. Emissions on any frequency more than 10 kHz removed from this 20 kHz band shall consist solely of unwanted emissions and shall not exceed the general radiated emission limits in § 15.209. Tests to determine compliance with these requirements shall be performed using an appropriate input signal as prescribed in § 2.989 of this chapter.

(e) All emissions exceeding 20 microvolts/meter at 3 meters are to be reported in the application for certification.

(f) If the device provides for the connection of external accessories, including external electrical input signals, the device must be tested with the accessories attached. The emission tests shall be performed with the device and accessories configured in a manner which tends to produce the maximum level of emissions within the range of variations that can be expected under normal operating conditions.

(g) The frequency tolerance of the carrier signal shall be maintained within ±0.01% of the operating frequency. The tolerance shall be maintained for a temperature variation of −20 degrees C to +50 degrees C at normal supply voltage, and for variation in the primary voltage from 85% to 115% of the rated supply voltage at a temperature of 20 degrees C. For battery operated equipment, the equipment tests shall be performed using a new battery.

(h) For equipment authorization, a single application form, FCC Form 731, may be filed for a cordless telephone system, provided the application clearly identifies and provides data for all parts of the system to show compliance with the applicable technical requirements. When a single application form is submitted, both the base station and the portable handset must carry the same FCC identifier. The application shall include a fee for certification of each type of transmitter and notification or certification, if appropriate, for each type of receiver included in the system.

(i) A cordless telephone which is intended to be connected to the public telephone network shall also comply with the applicable regulations in Part 68 of this chapter. A separate application for registration under Part 68 is required.

(j) The label required under Subpart A shall also contain the following statement: "Privacy of communic tions may not be ensured when using this phone."

(k) The box or other package in which the individual cordless telephone is to be marketed shall carry a statement in a prominent location, visible to the buyer before purchase, which reads as follows:

NOTICE: The base units of some cordless telephones may respond to other nearby units or to radio noise resulting in telephone calls being dialed through this unit without your knowledge and possibly calls being misbilled. In order to protect against such occurrences, this cordless telephone is provided with the following features: (to be completed by the responsible party).

An application for certification of a cordless telephone shall specify the complete text of the statement that will be carried on the package and indicate where, specifically, it will be located on the carton.

[54 FR 17714, Apr. 25, 1989; 54 FR 32340, Aug. 7, 1989]

§ 15.235 Operation within the band 49.82–49.90 MHz.

(a) The field strength of any emission within this band shall not exceed 10,000 microvolts/meter at 3 meters. The emission limit in this paragraph is based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.

(b) The field strength of any emissions appearing between the band edges and up to 10 kHz above and below the band edges shall be attenuated at least 26 dB below the level of the unmodulated carrier or to the general limits in § 15.209, whichever permits the higher emission levels. The field strength of any emissions removed by more than 10 kHz from the band edges shall not exceed the general radiated emission limits in § 15.209. All signals exceeding 20 microvolts/meter at 3 meters shall be reported in the application for certification.

(c) For a home-built intentional radiator, as defined in § 15.23(a), operating within the band 49.82-49.90 MHz, the following standards may be employed:

(1) The RF carrier and modulation products shall be maintained within the band 49.82-49.90 MHz.

(2) The total input power to the device measured at the battery or the power line terminals shall not exceed 100 milliwatts under any condition of modulation.

(3) The antenna shall be a single element, one meter or less in length, permanently mounted on the enclosure containing the device.

(4) Emissions outside of this band shall be attenuated at least 20 dB below the level of the unmodulated carrier.

(5) The regulations contained in § 15.23 of this part apply to intentional radiators constructed under the provisions of this paragraph.

(d) Cordless telephones are not permitted to operate under the provisions of this section.

§ 15.237 Operation in the bands 72.0–73.0 MHz and 75.4–76.0 MHz.

(a) The intentional radiator shall be restricted to use as an auditory assistance device.

(b) Emissions from the intentional radiator shall be confined within a band 200 kHz wide centered on the operating frequency. The 200 kHz band shall lie wholly within the above specified frequency ranges.

(c) The field strength of any emissions within the permitted 200 kHz band shall not exceed 80 millivolts/meter at 3 meters. The field strength of any emissions radiated on any frequency outside of the specified 200 kHz band shall not exceed 1500 microvolts/meter at 3 meters. The emission limits in this paragraph are based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.

§ 15.239 Operation in the band 88–108 MHz.

(a) Emissions from the intentional radiator shall be confined within a band 200 kHz wide centered on the operating frequency. The 200 kHz band shall lie wholly within the frequency range of 88-108 MHz.

(b) The field strength of any emissions within the permitted 200 kHz band shall not exceed 250 microvolts/meter at 3 meters. The emission limit in this paragraph is based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.

(c) The field strength of any emissions radiated on any frequency outside of the specified 200 kHz band shall not exceed the general radiated emission limits in § 15.209.

(d) A custom built telemetry intentional radiator operating in the frequency band 88-108 MHz and used for experimentation by an educational institute need not be certified provided the device complies with the standards in this Part and the educational institution notifies the Engineer in Charge of the local FCC office, in writing, in advance of operation, providing the following information:

(1) The dates and places where the device will be operated;

(2) The purpose for which the device will be used;

(3) A description of the device, including the operating frequency, RF power output, and antenna; and,

(4) A statement that the device complies with the technical provisions of this part.

[54 FR 17714, Apr. 25, 1989; 54 FR 32340, Aug. 7, 1989]

§ 15.241 Operation in the band 174-216 MHz.

(a) Operation under the provisions of this section is restricted to biomedical telemetry devices.

(b) Emissions from the device shall be confined within a 200 kHz band which shall lie wholly within the frequency range of 174-216 MHz.

(c) The field strength of any emissions radiated within the specified 200 kHz band shall not exceed 1500 microvolts/meter at 3 meters. The field strength of emissions radiated on any frequency outside of the specified 200 kHz band shall not exceed 150 microvolts/meter at 3 meters. The emission limits in this paragraph are based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.

§ 15.243 Operation in the band 890-940 MHz.

(a) Operation under the provisions of this section is restricted to devices that use radio frequency energy to measure the characteristics of a material. Devices operated pursuant to the provisions of this section shall not be used for voice communications or the transmission of any other type of message.

(b) The field strength of any emissions radiated within the specified frequency band shall not exceed 500 microvolts/meter at 30 meters. The emission limit in this paragraph is based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.

(c) The field strength of emissions radiated on any frequency outside of the specified band shall not exceed the general radiated emission limits in § 15.209.

(d) The device shall be self-contained with no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions in this section. Any antenna that may be used with the device shall be permanently attached thereto and shall not be readily modifiable by the user.

§ 15.245 Operation within the bands 902-928 MHz, 2435-2465 MHz, 5785-5815 MHz, 10500-10550 MHz, and 24075-24175 MHz.

(a) Operation under the provisions of this section is limited to intentional radiators used as field disturbance sensors, excluding perimeter protection systems.

(b) The field strength of emissions from intentional radiators operated within these frequency bands shall comply with the following:

Fundamental frequency (MHz)	Field strength of fundamental (millivolts/meter)	Field strength of harmonics (millivolts/meter)
902-928	500	1.6
2435-2465	500	1.6
5785-5815	500	1.6
10500-10550	2500	25.0
24075-24175	2500	25.0

(1) Field strength limits are specified at a distance of 3 meters.

(2) Emissions radiated outside of the specified frequency bands, except for harmonics, shall be attenuated by at least 50 dB below the level of the fundamental or to the general radiated emission limits in § 15.209, whichever is the lesser attenuation.

(3) The emission limits shown in the above table are based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.

§ 15.247 Operation within the bands 902–928 MHz, 2400–2483.5 MHz, and 5725–5850 MHz.

(a) Operation under the provisions of this section is limited to frequency hopping and direct sequence spread spectrum intentional radiators that comply with the following provisions:

(1) Frequency hopping systems shall have hopping channel carrier frequencies separated by a minimum of 25 kHz or the 20 dB bandwidth of the hopping channel, whichever is greater. The system shall hop to channel frequencies that are selected at the system hopping rate from a pseudorandomly ordered list of hopping frequencies. Each frequency must be used equally on the average by each transmitter. The system receivers shall have input bandwidths that match the hopping channel bandwidths of their corresponding transmitters and shall shift frequencies in synchronization with the transmitted signals.

(i) Frequency hopping systems operating in the 902-928 MHz band shall use at least 50 hopping frequencies. The maximum allowed 20 dB bandwidth of the hopping channel is 500 kHz. The average time of occupancy on any frequency shall not be greater than 0.4 seconds within a 20 second period.

(ii) Frequency hopping systems operating in the 2400-2483.5 MHz and 5725-5850 MHz bands shall use at least 75 hopping frequencies. The maximum 20 dB bandwidth of the hopping channel is 1 MHz. The average time of occupancy on any frequency shall not be greater than 0.4 seconds within a 30 second period.

(2) For direct sequence systems, the minimum 6 dB bandwidth shall be at least 500 kHz.

(b) The maximum peak output power of the transmitter shall not exceed 1 Watt. If transmitting antennas of directional gain greater than 6 dBi are used, the power shall be reduced by the amount in dB that the directional gain of the antenna exceeds 6 dBi.

(c) If any 100 kHz bandwidth outside these frequency bands, the radio frequency power that is produced by the modulation products of the spreading sequence, the information sequence and the carrier frequency shall be either at least 20 dB below that in any 100 kHz bandwidth within the band that contains the highest level of the desired power or shall not exceed the general levels specified in § 15.209(a), whichever results in the lesser attenuation. All other emissions outside these bands shall not exceed the general radiated emission limits specified in § 15.209(a).

(d) For direct sequence systems, the transmitted power density averaged over any 1 second interval shall not be greater than 8 dBm in any 3 kHz bandwidth within these bands.

(e) The processing gain of a direct sequence system shall be at least 10 dB. The processing gain shall be determined from the ratio in dB of the signal to noise ratio with the system spreading code turned off to the signal to noise ratio with the system spreading code turned on, as measured at the demodulated output of the receiver.

(f) Hybrid systems that employ a combination of both direct sequence and frequency hopping modulation techniques shall achieve a processing gain of at least 17 dB from the combined techniques. The frequency hopping operation of the hybrid system, with the direct sequence operation turned off, shall have an average time of occupancy on any frequency not to exceed 0.4 seconds within a time period in seconds equal to the number of hopping frequencies employed multiplied by 0.4. The direct sequence operation of the hybrid system, with the frequency hopping operation turned off, shall comply with the power density requirements of paragraph (d) of this section.

NOTE: Spread spectrum systems are sharing these bands on a noninterference basis with systems supporting critical Government requirements that have been allocated the usage of these bands, secondary only to ISM equipment operated under the provisions of Part 18 of this chapter. Many of these Government systems are airborne radiolocation systems that emit a high EIRP which can cause interference to other users. Also, investigations of the effect of spread spectrum interference to U. S. Government operations in the 902-928 MHz band may require a future decrease in the power limits allowed for spread spectrum operation.

[54 FR 17714, Apr. 25, 1989, as amended at 55 FR 28762, Jul. 13, 1990]

§ 15.249 Operation within the bands 902-928 MHz, 2400-2483.5 MHz, 5725-5875 MHZ, and 24.0-24.25 GHz

(a) The field strength of emissions from intentional radiators operated within these frequency bands shall comply with the following:

Fundamental frequency	Field strength of fundamental (millivolts/meter)	Field strength of harmonics (microvolts/meter)
902-928 MHz	50	500
2400-2483.5 MHz	50	500
5725-5875 MHz	50	500
24.0-24.25 GHz	250	2500

(b) Field strength limits are specified at a distance of 3 meters.

(c) Emissions radiated outside of the specified frequency bands, except for harmonics, shall be attenuated by at least 50 dB below the level of the fundamental or to the general radiated emission limits in § 15.209, whichever is the lesser attenuation.

(d) As shown in § 15.35(b), for frequencies above 1000 MHz, the above field strength limits are based on average limits. However, the peak field strength of any emission shall not exceed the maximum permitted average limits specified above by more than 20 dB under any condition of modulation.

(e) Parties considering the manufacture, importation, marketing or operation of equipment under this section should also note the requirement in § 15.37(d).

[54 FR 17714, Apr. 25, 1989, as amended at 55 FR 25095, June 20, 1990]

§ 15.251 Operation within the bands 2.9-3.26 GHz, 3.267-3.332 GHz, 3.339-3.3458 GHz, and 3.358-3.6 GHz.

(a) Operation under the provisions of this section is limited to automatic vehicle identification systems (AVIS) which use swept frequency techniques for the purpose of automatically identifying transportation vehicles.

(b) The field strength anywhere within the frequency range swept by the signal shall not exceed 3000 microvolts/meter/MHz at 3 meters in any direction. Further, an AVIS, when in its operating position, shall not produce a field strength greater than 400 microvolts/meter/MHz at 3 meters in any direction within ± 10 degrees of the horizontal plane. In addition to the provisions of § 15.205, the field strength of radiated emissions outside the frequency range swept by the signal shall be limited to a maximum of 100 microvolts/meter/MHz at 3 meters, measured from 30 MHz to 20 GHz for the complete system. The emission limits in this paragraph are based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.

(c) The minimum sweep repetition rate of the signal shall not be lower than 4000 sweeps per second, and the maximum sweep repetition rate of the signal shall not exceed 50,000 sweeps per second.

(d) An AVIS shall employ a horn antenna or other comparable directional antenna for signal emission.

(e) Provision shall be made so that signal emission from the AVIS shall occur only when the vehicle to be identified is within the radiated field of the system.

(f) In addition to the labelling requirements in § 15.19(a), the label attached to the AVIS transmitter shall contain a third statement regarding operational conditions, as follows:

> * * * and, (3) during use this device (the antenna) may not be pointed within ± degrees of the horizontal plane.

The double asterisks in condition three (**) shall be replaced by the responsible party with the angular pointing restriction necessary to meet the horizontal emission limit specified in paragraph (b).

(g) In addition to the information required in Subpart J of Part 2, the application for certification shall contain:

(1) Measurements of field strength per MHz along with the intermediate frequency of the spectrum analyzer or equivalent measuring receiver;

(2) The angular separation between the direction at which maximum field strength occurs and the direction at which the field strength is reduced to 400 microvolts/meter/MHz at 3 meters;

(3) A photograph of the spectrum analyzer display showing the entire swept frequency signal and a calibrated scale for the vertical and horizontal axes; the spectrum analyzer settings that were used shall be labelled on the photograph; and,

(4) The results of the frequency search for spurious and sideband emissions from 30 MHz to 20 GHz, exclusive of the swept frequency band, with the measuring instrument as close as possible to the unit under test.

[54 FR 17714, Apr. 25, 1989; 54 FR 32340, Aug. 7, 1989]

PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

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17.37 Specifications for the lighting of antenna structures over 594.36 meters (1,950 feet) up to and including 640.08 meters (2,100 feet) in height.
17.38 Specifications for the lighting of antenna structures over 640.08 meters (2,100 feet) in height.

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AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 309, 48 Stat. 1081, 1085 as amended; 47 U.S.C. 301, 309.

Subpart A—General Information

§ 17.1 Basis and purpose.

(a) The rules in this part are issued pursuant to the authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to issue licenses for radio stations when it is found that the public interest, convenience, and necessity would be served thereby, and to require the painting, and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation.

(b) The purpose of the rules in this part is to prescribe certain procedures and standards with respect to the Commission's consideration of proposed antenna structures which will serve as a guide to persons intending to apply for radio station licenses. The standards were developed in conjunction with the Federal Aviation Administration (FAA).

[32 FR 11268, Aug. 3, 1967]

§ 17.2 Definitions.

(a) *Antenna structures.* The term antenna structures includes the radiating and/or receive system, its supporting structures and any appurtenances mounted thereon.

(b) An antenna farm area is defined as a geographical location, with established boundaries, designated by the Federal Communications Commission in which antenna towers with common impact on aviation may be grouped.

[32 FR 8813, June 21, 1967, and 32 FR 11268, Aug. 3, 1967, as amended at 39 FR 26157, July 17, 1974]

§ 17.4 Commission consideration of proposed antenna structure with respect to possible hazard to air navigation.

(a) Except as provided in paragraph (h) of this section, all applications are reviewed to determine whether there is a requirement that the applicant file a Notice of Proposed Construction or Alteration (FAA Form 7460-1) with the Federal Aviation Administration.

(b) Whenever applications require the filing of a notice of proposed construction or alteration [FAA Form 7460-1] the applicant will be advised to do so unless the application includes an FCC Form 714 certifying that notification has been submitted to FAA or the application form itself specifically supplies all of the information which would be provided on FCC Form 714.

(c) All applications which do not require the filing of FAA Form 7460-1 with the FAA will be deemed not to involve a hazard to air navigation and will be considered by the Commission without further reference to the FAA.

(d) Whenever a "no hazard determination" is received from the FAA concerning any proposed antenna structure, the antenna structure is deemed not to involve a hazard to air navigation and the antenna aspect of the application for radio station authorization will be processed accordingly: *Provided,* That the FAA "no hazard determination" has not expired.

(e) Whenever a report is received from the FAA indicating that a proposed antenna structure is a hazard, the Commission will take further appropriate action.

(f) Applications which show on their face that the antenna structure will extend more than 6.10 meters (20 feet) above the ground or natural formation or more than 6.10 meters (20 feet) above an existing manmade structure (other than an antenna structure) shall be accompanied by FCC Form 714 indicating that notification has or has not been submitted to FAA or the application form itself shall specifically supply all of the information which would be provided on the FCC Form 714.

(g) In addition to the other requirements of this part of the rules, each application for a radio station authorization shall include such information regarding proposed antenna construction as may be required by the FCC. Such information is to be supplied on the FCC application form specified in the rules pertaining to the radio service in which application is being made or as may otherwise be required.

(h) Applications for amateur radio station licenses and RACES station licenses are not reviewed for antenna structure approval. Applicants and licensees in those services may not erect or use an antenna which exceeds the height limitations contained in §§ 17.7 and 17.14 of this chapter unless notice has been filed with both the FAA on FAA Form 7460-1 and with the Commission on FCC Form 854 and prior approval by the Commission has been obtained.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[32 FR 11268, Aug. 3, 1967, as amended at 34 FR 6481, Apr. 15, 1969; 42 FR 54823, Oct. 11, 1977; 46 FR 10916, Feb. 5, 1981; 48 FR 51917, Nov. 15, 1983]

Subpart B—Criteria for Determining Whether Applications for Radio Towers Require Notification of Proposed Construction to Federal Aviation Administration

§ 17.7 Antenna structures requiring notification to the FAA.

A notification to the Federal Aviation Administration is required, except as set forth in § 17.14, for any of the following construction or alteration:

(a) Any construction or alteration of more than 60.96 meters (200 feet) in height above ground level at its site.

(b) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(1) 100 to 1 for a horizontal distance of 6.10 kilometers (20,000 feet) from the nearest point of the nearest runway of each airport specified in paragraph (d) of this section with at least one runway more than 0.98 kilometers (3,200 feet) in actual length, excluding heliports.

(2) 50 to 1 for a horizontal distance of 3.05 kilometers (10,000 feet) from the nearest point of the nearest runway of each airport specified in paragraph (d) of this section with its longest runway no more than 0.98 kilometers (3,200 feet) in actual length, excluding heliports.

(3) 25 to 1 for a horizontal distance of 1.52 kilometers (5,000 feet) from the nearest point of the nearest landing and takeoff area of each heliport specified in paragraph (d) of this section.

(c) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed an obstruction standard of the FAA.

(d) Any construction or alteration on any of the following airports (including heliports):

(1) An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.

(2) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and except for military airports, it is clearly indicated that the airport will be available for public use.

(3) An airport that is operated by an armed force of the United States.

NOTE: Consideration to aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the Federal Aviation Administration as of the filing date of the application for such radio facilities.

[39 FR 7581, Feb. 27, 1974, as amended at 39 FR 26157, July 17, 1974; 42 FR 54823, Oct. 11, 1977; 42 FR 57127, Nov. 1, 1977]

§ 17.8 Establishment of antenna farm areas.

(a) Each antenna farm area will be established by an appropriate rulemaking proceeding, which may be commenced by the Commission on its own motion after consultation with the FAA, upon request of the FAA, or as a result of a petition filed by any interested person. After receipt of a petition from an interested person disclosing sufficient reasons to justify institution of a rulemaking proceeding, the Commission will request the advice of the FAA with respect to the considerations of menace to air navigation in terms of air safety which may be presented by the proposal. The written communication received from the FAA in response to the Commission's request shall be placed in the Commission's public rulemaking file containing the petition, and interested persons shall be allowed a period of 30 days within which to file statements with respect thereto. Such statements shall also be filed with the Administrator of the FAA with proof of such filing to be established in accordance with § 1.47 of this chapter. The Administrator of the FAA shall have period of 15 days within which to file responses to such statements. If the Commission, upon consideration of the matters presented to it in accordance with the above procedure, is sat isfied that establishment of the proposed antenna farm would constitute menace to air navigation for reason of air safety, rulemaking proceeding will not be instituted. If rulemaking proceedings are instituted, any person filing comments therein which concern the question of whether the proposed antenna farm will constitute menace to air navigation shall file copy of the comments with the A ministrator of the FAA. Proof of suc filing shall be established in accor ance with § 1.47 of this chapter.

(b) Nothing in this subpart shall construed to mean that only one a tenna farm area will be designated f a community. The Commission w consider on a case-by-case basis whet er or not more than one antenna far area shall be designated for a partic lar community.

[32 FR 8813, June 21, 1967, as amended 32 FR 13591, Sept. 28, 1967]

§ 17.9 Designated antenna farm areas.

The areas described in the followi paragraphs of this section are esta lished as antenna farm areas [app priate paragraphs will be added as n essary].

[32 FR 8813, June 21, 1967]

§ 17.10 Antenna structures over 30 meters (1,000 feet) in height.

Where one or more antenna fa areas have been designated for a co munity or communities (see § 17 the Commission will not accept filing an application for a construct permit to construct a new station o increase height or change antenna cation of an existing station propo the erection of an antenna struct over 304.80 meters (1,000 feet) ab ground unless:

(a) It is proposed to locate the tenna structure in a designated an na farm area, or

(b) It is accompanied by a statem from the Federal Aviation Adminis tion that the proposed structure not constitute a menace to air navigation, or

(c) It is accompanied by a request for waiver setting forth reasons sufficient, if true, to justify such a waiver.

[32 FR 8813, June 21, 1967, as amended at 42 FR 54824, Oct. 11, 1977]

§ 17.14 Certain antenna structures exempt from notification to the FAA.

A notification to the Federal Aviation Administration is not required for any of the following construction or alteration:

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicants claiming such exemption under § 17.14(a) shall submit a statement with their application to the FCC explaining basis in detail for their finding.

(b) Any antenna structure of 6.10 meters (20 feet) or less in height except one that would increase the height of another antenna structure.

(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator of the Federal Aviation Administration, the location and height of which is fixed by its functional purpose.

[32 FR 11269, Aug. 3, 1967, as amended at 39 FR 7581, Feb. 27, 1974; 42 FR 54824, Oct. 11, 1977]

§ 17.17 Existing structures.

(a) Nothing in the criteria in this subpart concerning antenna structures or locations shall apply to those structures authorized prior to September 5, 1967.

(b) No change in any of these criteria or relocation of airports shall at any time impose a new restriction upon any then existing or authorized antenna structure or structures.

[32 FR 11269, Aug. 3, 1967]

Subpart C—Specifications for Obstruction Marking and Lighting of Antenna Structures

§ 17.21 Painting and lighting, when required.

Antenna structures shall be painted and lighted when:

(a) They exceed 60.96 meters (200 feet) in height above the ground or they require special aeronautical study.

(b) The Commission may modify the above requirement for painting and/or lighting of antenna structures, when it is shown by the applicant that the absence of such marking would not impair the safety of air navigation, or that a lesser marking requirement would insure the safety thereof.

[32 FR 11269, Aug. 3, 1967, as amended at 42 FR 54824, Oct. 11, 1977]

§ 17.22 Particular specifications to be used.

Whenever painting and lighting are required, the Commission will assign painting and lighting specifications pursuant to the provisions of this subpart. If an antenna installation is of such a nature that its painting and lighting in accordance with these specifications are confusing, or endanger rather than assist airmen, or are otherwise inadequate, the Commission will specify the type of painting and lighting or other marking to be used in the individual situation.

[32 FR 11269, Aug. 3, 1967]

§ 17.23 Specifications for the painting of antenna structures in accordance with § 17.21.

Except for antenna structures lighted in conformance with §§ 17.39, 17.40, 17.41 and § 17.42 (High Intensity Obstruction Lighting), antenna structures shall be painted throughout their height with alternate bands of aviation surface orange and white, terminating with aviation surface orange bands at both top and bottom. The width of the bands shall be equal and approximately one-seventh the height of the structure, provided however, that the bands shall not be more than

30.48 meters (100 feet) nor less than 0.46 meters (1.5 feet) in width.

[40 FR 30265, July 18, 1975, as amended at 42 FR 54824, Oct. 11, 1977]

AVIATION RED OBSTRUCTION LIGHTING

§ 17.24 Specifications for the lighting of antenna structures up to and including 45.72 meters (150 feet) in height.

Antenna structures up to and including 45.72 meters (150 feet) in height above ground, which are required to be lighted as a result of notification to the FAA under § 17.7, shall be lighted as follows:

(a) There shall be installed at the top of the tower at least two 116- or 125-watt lamps (A21/TS) enclosed in aviation red obstruction light globes. The intensity of each lamp shall not be less than 32.5 candelas. The two lights shall burn simultaneously from sunset to sunrise and shall be positioned so as to insure unobstructed visibility of at least one of the lights from aircraft at any normal angle of approach. A light sensitive control device or an astronomic dial clock and time switch may be used to control the obstruction lighting in lieu of manual control. When a light sensitive device is used, it shall be adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface fails to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[32 FR 11269, Aug. 3, 1967, as amended at 39 FR 26157, July 17, 1974; 42 FR 54824, Oct. 11, 1977]

§ 17.25 Specifications for the lighting of antenna structures over 45.72 meters (150 feet) up to and including 91.44 meters (300 feet) in height.

(a) Antenna structures over 45.72 meters (150 feet), up to and including 60.96 meters (200 feet) in height above ground, which are required to be lighted as a result of notification to the FAA under § 17.7 and antenna structures over 60.96 meters (200 feet), up to and including 91.44 meters (300 feet) in height above ground, shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) At the approximate mid point of the overall height of the tower there shall be installed at least two 116- or 125-watt lamps (A21/TS) enclosed in aviation red obstruction light globes. The intensity of each lamp shall not be less than 32.5 candelas. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any normal angle of approach.

(3) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12529, Nov. 22, 1963, as amended at 32 FR 11269, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54824, Oct. 11, 1977]

§ 17.26 Specifications for the lighting of antenna structures over 91.44 meters (300 feet) up to and including 137.16 meters (450 feet) in height.

(a) Antenna structures over 91.44 meters (300 feet) up to and including 137.16 meters (450 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric core beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute, nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the overall height of the tower, there shall be installed at least two 116- or 125-watt lamps (A21/TS) enclosed in aviation red obstruction light globes. The intensity of each lamp shall not be less than 32.5 candelas. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any normal angle of approach.

(3) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12529, Nov. 22, 1963, as amended at 32 FR 11270, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54824, Oct. 11, 1977]

§ 17.27 Specifications for the lighting of antenna structures over 137.16 meters (450 feet) up to and including 182.88 meters (600 feet) in height.

(a) Antenna structures over 137.16 meters (450 feet) up to and including 182.88 meters (600 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) At approximately one-half of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. The intensity of each lamp shall not be less than 32.5 candelas. Each beacon shall be mounted on the outside of diagonally opposite corners

or opposite sides of the tower at the prescribed height.

(3) On levels at approximately three-fourths and one-fourth of the over-all height of the tower, at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12530, Nov. 22, 1963, as amended at 32 FR 11270, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54824, Oct. 11, 1977]

§ 17.28 Specifications for the lighting of antenna structures over 182.88 meters (600 feet) up to and including 228.60 meters (750 feet) in height.

(a) Antenna structures over 182.88 meters (600 feet) up to and including 228.60 meters (750 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) At approximately two-fifths of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately four-fifths, three-fifths, and one-fifth of the over-all height of the tower, at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 367.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12530, Nov. 22, 1963, as amended at 32 FR 11270, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54824, Oct. 11, 1977]

§ 17.29 Specifications for the lighting of antenna structures over 228.60 meters (750 feet) up to and including 274.32 meters (900 feet) in height.

(a) Antenna structures over 228.60 meters (750 feet) up to and including 274.32 meters (900 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with avia

tion red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately five-sixths, one-half, and one-sixth of the over-all height of the tower, at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12530, Nov. 22, 1963, as amended at 32 FR 11270, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54824, Oct. 11, 1977]

§ 17.30 Specifications for the lighting of antenna structures over 274.32 meters (900 feet) up to and including 320.04 meters (1,050 feet) in height.

(a) Antenna structures over 274.32 meters (900 feet) up to and including 320.04 meters (1,050 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately four-sevenths and two-sevenths of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each

beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately six-sevenths, five-sevenths, three-sevenths and one-seventh of the over-all height of the tower at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12530, Nov. 22, 1963, as amended at 32 FR 11270, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54824, Oct. 11, 1977]

§ 17.31 Specifications for the lighting of antenna structures over 320.04 meters (1,050 feet) up to and including 365.76 meters (1,200 feet) in height.

(a) Antenna structures over 320.04 meters (1,050 feet) up to and including 365.76 meters (1,200 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620-or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately three-fourths, one-half and one-fourth of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately seven-eighths, five-eighths, three-eighths, and one-eighth of the over-all height of the tower, at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12531, Nov. 22, 1963, as amended at 32 FR 11271, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54825, Oct. 11, 1977; 42 FR 56608, Oct. 27, 1977]

§ 17.32 Specifications for the lighting of antenna structures over 365.76 meters (1,200 feet) up to and including 411.48 meters (1,350 feet) in height.

(a) Antenna structures over 365.76 meters (1,200 feet) up to and including 411.48 meters (1,350 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately two-thirds, four-ninths, and two-ninths of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately eight-ninths, seven-ninths, five-ninths, one-third and one-ninth of the over-all height of the tower, at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12531, Nov. 22, 1963, as amended at 32 FR 11271, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54825, Oct. 11, 1977]

§ 17.33 Specifications for the lighting of antenna structures over 411.48 meters (1,350 feet) and up to and including 457.20 meters (1,500 feet) in height.

(a) Antenna structures over 411.48 meters (1,350 feet) up to and including 457.20 meters (1,500 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately four-fifths, three-fifths, two-fifths, and one-fifth of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members

will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angles of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately nine-tenths, seven-tenths, one-half, three-tenths, and one-tenth of the over-all height of the tower, at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of 376.74 lux (35 fc) and turned off when the north sky illuminance level on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[28 FR 12531, Nov. 22, 1963, as amended at 32 FR 11271, Aug. 3, 1967; 39 FR 26157, July 17, 1974; 42 FR 54825, Oct. 11, 1977]

§ 17.34 Specifications for the lighting of antenna structures over 457.20 meters (1,500 feet) up to and including 502.92 meters (1,650 feet) in height above the ground.

(a) Antenna structures over 457.20 meters (1,500 feet) up to and including 502.92 meters (1,650 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately eight-elevenths, six-elevenths, four-elevenths, and two-elevenths of the overall height of the tower, one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from the aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately ten-elevenths, nine-elevenths, seven-elevenths, five-elevenths, three-elevenths, and one-eleventh of the over-all height of the tower at least one 116-or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 376.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[32 FR 11271, Aug. 3, 1967, as amended at 39 FR 26157, July 17, 1974; 42 FR 54825, Oct. 11, 1977]

§ 17.35 Specifications for the lighting of antenna structures over 502.92 meters (1,650 feet) up to and including 548.64 meters (1,800 feet) in height.

(a) Antenna structures over 502.92 meters (1,650 feet) up to and including 548.64 meters (1,800 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620-or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately five-sixths, two-thirds, one-half, one-third, and one-sixth of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately eleven-twelfths, three-fourths, seven-twelfths, five-twelfths, one-fourth, and one-twelfth of the overall height of the tower at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level not less than 367.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[32 FR 11272, Aug. 3, 1967; 33 FR 7039, May 10, 1968, as amended at 39 FR 26157, July 17, 1974; 42 FR 54825, Oct. 11, 1977]

§ 17.36 Specifications for the lighting of antenna structures over 548.64 meters (1,800 feet) up to and including 594.36 meters (1,950 feet) in height.

(a) Antenna structures over 548.64 meters (1,800 feet) up to and including 594.36 meters (1,950 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The bea-

cons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately ten-thirteenths, eight-thirteenths, six-thirteenths, four-thirteenths, and two-thirteenths of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately twelve-thirteenths, eleven-thirteenths, nine-thirteenths, seven-thirteenths, five-thirteenths, three-thirteenths, and one-thirteenth of the overall height of the tower at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less then 376.64 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level or not less than 624.31 lux (58 fc).

[32 FR 11272, Aug. 3, 1967, as amended at 39 FR 26157, July 17, 1974; 42 FR 54825, Oct. 11, 1977]

§ 17.37 Specifications for the lighting of antenna structures over 594.36 meters (1,950 feet) up to and including 640.08 meters (2,100 feet) in height.

(a) Antenna structures over 594.36 meters (1,950 feet) up to and including 640.08 meters (2,100 feet) in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. The steady burning intensity shall not be less than 2,000 candelas (in red). Where a rod or other construction of not more than 6.10 meters (20 feet) in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately six-sevenths, five-sevenths, four-sevenths, three-sevenths, two-sevenths, and one-seventh of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately thirteen-fourteenths, eleven-fourteenths, nine-fourteenths, one half, five-fourteenths, three-fourteenths, and one-fourteenth of the overall height of the tower at least one 116- or 125-watt lamp (A21/TS) enclosed in an aviation red obstruction light globe shall be in-

stalled on each outside corner of the tower at each level. The intensity of each lamp shall not be less than 32.5 candelas.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on when the north sky illuminance on a vertical surface falls to a level of not less than 367.74 lux (35 fc) and turned off when the north sky illuminance on a vertical surface rises to a level of not less than 624.31 lux (58 fc).

[32 FR 11272, Aug. 3, 1967, as amended at 39 FR 26157, July 17, 1974; 42 FR 54825, Oct. 11, 1977]

§ 17.38 Specifications for the lighting of antenna structures over 640.08 meters (2,100 feet) in height.

Antenna structures over 640.08 meters (2,100 feet) in height above the ground shall be lighted in accordance with specifications to be determined by the Commission after aeronautical study which will include lighting recommendations.

[32 FR 11272, Aug. 3, 1967, as amended at 42 FR 54826, Oct. 11, 1977]

HIGH INTENSITY WHITE OBSTRUCTION LIGHTING

NOTE: When authorized by the Commission, high intensity white obstruction lighting will be used in lieu of obstruction marking and lighting specified in §§ 17.23 through 17.37.

In general, the number of levels of high intensity lighting specified is dependent upon the overall height of the skeletal frame or comparable main support structure, excluding antennas or similar appurtenances. A white capacitor discharge omnidirectional light is mounted on or adjacent to the appurtenance, if more than 6.10 meters (20 feet), to complement the lighting system.

Where a dual lighting system is employed, i.e., high intensity white obstruction lighting during daylight and red obstruction lighting at night, the omnidirectional high intensity light, if equipped with an aviation red color filter for nighttime illumination, may be used in lieu of the 300 mm top beacon specified in § 17.24(a) and paragraph (a)(1) in §§ 17.25 through 17.37.

§ 17.39 Specifications for the high intensity lighting of antenna structures having a skeletal tower up to and including 91.44 meters (300 feet) in height.

Antenna structures having a skeletal tower or other main support structure up to and including 91.44 meters (300 feet) in height shall be obstruction lighted as follows:

(a) There shall be installed at the top of the skeletal tower or other main support structure three or more high intensity light units which conform to FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems. The complement of units shall emit a white high intensity light and produce an effective intensity of not less than 200,000 candelas (daytime) uniformly about the antenna structure in the horizontal plane. The effective intensity shall be reduced to approximately 20,000 candelas at twilight, and to approximately 4,000 candelas at night. The light units shall be mounted in a manner to insure unobstructed viewing from aircraft at any normal angle of approach and so that the effective intensity of the full beam is not impaired by any structural members of the skeletal framework. The units will normally be adjusted so that the center of the beam is in the horizontal plane.

(b) Where an antenna or similar appurtenance extends more than 6.10 meters (20 feet) above the skeletal tower or other main support structure, a white capacitor discharge omnidirectional light which conforms to FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems, shall be mounted on the highest point. If the antenna or similar appurtenance is incapable of supporting the omnidirectional light, one or more lights shall be installed on a suitable adjacent support with the light(s) mounted no more than 6.10 meters (20 feet) below the tip of the appurtenance. The light(s) shall be positioned so as to permit unobstructed viewing of at least one light from aircraft at any normal angle of approach. The light unit(s) shall emit a beam peak intensity around its periphery of approximately 20,000 candelas during daytime and twilight operation, and approximately 4,000 candelas at night.

(c) All lights shall be synchronized to flash simultaneously at 40 pulses per minute. The light system shall be equipped with a light sensitive control device which shall face the north sky and cause the intensity steps to change automatically when the north sky illumination on a vertical surface is as follows:

(1) *Day to twilight.* This shall not occur before the illumination drops to 645.84 lux (60 fc) but shall occur before it drops below 322.92 lux (30 fc).

(2) *Twilight to night.* This shall not occur before the illumination drops to 53.82 lux (5 fc), but shall occur before it drops below 21.53 lux (2 fc).

(3) *Night to day.* The intensity changes listed in paragraphs (c) (1) and (2) of this section shall be reversed in transitioning from the night to day modes.

Failure of the intensity step changing circuits shall cause all lights to operate in the high intensity mode or, the next brighter intensity step above that required for the period of operation.

[40 FR 30265, July 18, 1975, as amended at 42 FR 54826, Oct. 11, 1977]

§ 17.40 Specifications for the high intensity lighting of antenna structures having a skeletal tower over 91.44 meters (300 feet) up to and including 182.88 meters (600 feet) in height.

Antenna structures having a skeletal tower or other main support structure over 91.44 meters (300 feet) up to and including 182.88 meters (600 feet) in height shall be obstruction lighted as follows:

(a) There shall be installed at the top of the skeletal tower or other main support structure three or more high intensity light units which conform to FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems. The complement of units shall emit a white high intensity light and produce an effective intensity of not less than 200,000 candelas (daytime) uniformally about the antenna structure in the horizontal plane. The effective intensity shall be reduced to approximately 20,000 candelas at twilight, and to approximately 4,000 candelas at night. The light units shall be mounted in a manner to insure unobstructed viewing from aircraft at any normal angle of approach and so that the effective intensity of the full beam is not impaired by any structural members of the skeletal framework. The units will normally be adjusted so that the center of the beam is in the horizontal plane.

(b) At the approximate ½ (midpoint) level of the skeletal tower there shall be installed an additional set of high intensity obstruction lights as in paragraph (a) of this section. The normal angular adjustment of the beam centers above the horizontal shall be 2 degrees. See Table under § 17.42.

(c) Where an antenna or similar appurtenance extends more than 6.10 meters (20 feet) above the skeletal tower or other main support structure, a white capacitor discharge omnidirectional light which conforms to FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems, shall be mounted on the highest point. If the antenna or similar appurtenance is incapable of supporting the omnidirectional light, one or more lights shall be installed on a suitable adjacent support with the light(s) mounted no more than 6.10 meters (20 feet) below the tip of the appurtenance. The light(s) shall be positioned so as to permit unobstructed viewing of at least one light from aircraft at any normal angle of approach. The light unit(s) shall emit a beam peak intensity around its periphery of approximately 20,000 candelas during daytime and twilight operation, and approximately 4,000 candelas at night.

(d) All lights shall be synchronized to flash simultaneously at 40 pulses per minute. The light system shall be equipped with a light sensitive control device which shall face the north sky and cause the intensity steps to change automatically when the north sky illumination on a vertical surface is as follows:

(1) *Day to twilight.* This shall not occur before the illumination drops to 645.84 lux (60 fc), but shall occur before it drops below 322.92 lux (30 fc).

(2) *Twilight to night.* This shall not occur before the illumination drops to

53.82 lux (5 fc), but shall occur before it drops below 21.53 lux (2 fc).

(3) *Night to day.* The intensity changes listed in paragraphs (d) (1) and (2) of this section shall be reversed in transitioning from the night to day modes.

Failure of the intensity step changing circuits shall cause all lights to operate in the high intensity mode or the next brighter intensity step above that required for the period of operation.

[40 FR 30265, July 18, 1975, as amended at 42 FR 54826, Oct. 11, 1977]

§ 17.41 Specifications for the high intensity lighting of antenna structures having a skeletal tower over 182.88 meters (600 feet) up to and including 304.80 meters (1,000 feet) in height.

Antenna structures having a skeletal tower or other main support structures over 182.88 meters (600 feet) up to and including 304.80 meters (1,000 feet) in height shall be obstruction lighted as follows:

(a) There shall be installed at the top of the skeletal tower or other main support structure three or more high intensity light units which conform to FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems. The complement of units shall emit a white high intensity light and produce an effective intensity of not less than 200,000 candelas (daytime) uniformly about the antenna structure in the horizontal plane. The effective intensity shall be reduced to approximately 20,000 candelas at twilight, and to approximately 4,000 candelas at night. The light units shall be mounted in a manner to insure unobstructed viewing from aircraft at any normal angle of approach and so that the effective intensity of the full beam is not impaired by any structural members of the skeletal framework. The units will normally be adjusted so that the center of the beam is in the horizontal plane.

(b) At the approximate ⅓ and ⅔ levels of the skeletal tower there shall be installed additional sets of high intensity obstruction lights as in paragraph (a) of this section. The normal angular adjustment of the beam centers above the horizontal shall be 2 degrees at the ⅓ level and one degree at the ⅔ level. See Table under § 17.42.

(c) Where a rod or similar appurtenance extends more than 6.10 meters (20 feet) above the skeletal tower or other main support structure, a white capacitor discharge omnidirectional light which conforms to FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems, shall be mounted on the highest point. If the antenna or similar appurtenance is incapable of supporting the omnidirectional light, one or more lights shall be installed on a suitable adjacent support with the light(s) mounted no more than 6.10 meters (20 feet) below the tip of the appurtenance. The light(s) shall be positioned so as to permit unobstructed viewing of at least one light from aircraft at any normal angle of approach. The light unit(s) shall emit a beam peak intensity around its periphery of approximately 20,000 candelas during daytime and twilight operation, and approximately 4,000 candelas at night.

(d) All lights shall be synchronized to flash simultaneously at 40 pulses per minute. The light system shall be equipped with a light sensitive control device which shall face the north sky and cause the intensity steps to change automatically when the north sky illumination on a vertical surface is as follows:

(1) *Day to twilight.* This shall not occur before the illumination drops to 645.84 lux (60 fc), but shall occur before it drops below 322.92 lux (30 fc).

(2) *Twilight to night.* This shall not occur before the illumination drops to 53.82 lux (5 fc), but shall occur before it drops below 21.53 lux (2 fc).

(3) *Night to day.* The intensity changes listed in paragraphs (d) (1) and (2) of this section shall be reversed in transitioning from the night to day modes.

Failure of the intensity step changing circuits shall cause all lights to operate in the high intensity mode or the next brighter intensity step above that required for the period of operation.

[40 FR 30266, July 18, 1975, as amended at 42 FR 54826, Oct. 11, 1977; 42 FR 56608, Oct. 27, 1977]

§ 17.42 Specifications for the high intensity lighting of antenna structures having a skeletal tower over 304.80 meters (1,000 feet) in height.

Antenna structures having a skeletal tower or other main support structure over 304.80 meters (1,000 feet) in height shall be obstruction lighted as follows:

(a) There shall be installed at the top of the skeletal tower or other main support structure three or more high intensity light units which conform to FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems. The complement of units shall emit a white high intensity light and produce an effective intensity of not less than 200,000 candelas (daytime) uniformly about the antenna structure in the horizontal plane. The effective intensity shall be reduced to approximately 20,000 candelas at twilight, and to approximately 4,000 candelas at night. The light units shall be mounted in a manner to insure unobstructed viewing from aircraft at any normal angle of approach and so that the effective intensity of the full beam is not impaired by any structural members of the skeletal framework. The units will normally be adjusted so that the center of the beam is in the horizontal plane.

(b) In addition, there shall be installed at approximate equi-distant levels along the vertical axis of the skeletal tower three or more sets of high intensity obstruction lights as in paragraph (a) of this section. Three intermediate levels are required for skeletal towers over 304.80 meters (1,000 feet) up to and including 426.72 meters (1,400 feet). For each additional 121.92 meters (400 feet) or fraction one additional level of lighting shall be installed. The normal angular adjustment of the beam centers at the bottom level shall be 3 degrees above the horizontal and for the second progressive level shall be 2 degrees above the horizontal. For other progressive levels, see Table below.

(c) Where a rod or similar appurtenance extends more than 6.10 meters (20 feet) above the skeletal tower or other main support structure, a white capacitor discharge omnidirectional light which conforms to FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems, shall be mounted on the highest point. If the antenna or similar appurtenance is incapable of supporting the omnidirectional light, one or more lights shall be installed on a suitable adjacent support with the light(s) mounted no more than 6.10 meters (20 feet) below the tip of the appurtenance. The light(s) shall be positioned so as to permit unobstructed viewing of at least one light from aircraft at any normal angle of approach. The light unit(s) shall emit a beam peak intensity around its periphery of approximately 20,000 candelas during daytime and twilight operation, and approximately 4,000 candelas at night.

(d) All lights shall be synchronized to flash simultaneously at 40 pulses per minute. The light system shall be equipped with a light sensitive control device which shall face the north sky and cause the intensity steps to change automatically when the north sky illumination on a vertical surface is as follows:

(1) *Day to twilight.* This shall not occur before the illumination drops to 645.84 lux (60 fc), but shall occur before it drops below 322.92 lux (30 fc).

(2) *Twilight to night.* This shall not occur before the illumination drops to 53.82 lux (5 fc), but shall occur before it drops below 21.53 lux (2 fc).

(3) *Night to day.* The intensity changes listed in paragraphs (d) (1) and (2) of this section shall be reversed in transitioning from the night to day modes.

Failure of the intensity step changing circuits shall cause all lights to operate in the high intensity mode or the next brighter intensity step above that required for the period of operation.

Degrees elevation above horizontal

Light level	Number of light levels on structure					
	1	2	3	4	5	6
Top	0	0	0	0	0	0
5						0
4					0	1
3				1	1	2
2			1	2	2	2
Bottom		2	2	3	3	3

[40 FR 30266, July 18, 1975; 40 FR 33662, Aug. 11, 1975, as amended at 42 FR 54826, Oct. 11, 1977]

§ 17.43 Painting and lighting of new and existing structures.

(a) The provisions of this part of the rules with respect to antenna structures required to be painted and/or lighted, shall be effective November 1, 1970, for any new antenna structure and for any change in the height or location of an existing antenna structure.

(b) All existing antenna structures required to be painted shall be painted in the manner set forth in § 17.23 at the time when the antenna structure is repainted (see § 17.50) or in no event later than November 1, 1977.

(c) All existing antenna structures required to be illuminated shall be brought into conformity herewith within 6 months after September 5, 1970, at any station for which the authorization is renewable on or prior to that date, and within 3 months following the renewal of an authorization renewable after September 5, 1970.

(d) Nothing in the notification criteria concerning antenna structures or locations, as set forth in Subpart B of this part, shall apply to painting and lighting those structures authorized prior to September 5, 1967, except where lighting and painting requirements are reduced, in which case the lesser requirements may apply upon approval of an application to the Commission for such reduction.

[35 FR 16404, Oct. 21, 1970]

§ 17.45 Temporary warning lights.

During construction of an antenna structure, for which red obstruction lighting is required, at least two 116- or 125-watt lamps (A21/TS) enclosed in aviation red obstruction light globes, shall be installed at the uppermost point of the structure. The intensity of each lamp shall not be less than 32.5 candelas. In addition, as the height of the structure exceeds each level at which permanent obstruction lights will be required, two similar lights shall be installed at each such level. These temporary warning lights shall be displayed nightly from sunset to sunrise until the permanent obstruction lights have been installed and placed in operation, and shall be positioned so as to insure unobstructed visibility of at least one of the lights at any normal angle of approach. If practical, the permanent obstruction lights may be installed and operated at each required level as construction progresses.

[32 FR 11273, Aug. 3, 1967, as amended at 39 FR 26157, July 17, 1974; 42 FR 54826, Oct. 11, 1977]

§ 17.47 Inspection of tower lights and associated control equipment.

The licensee of any radio station which has an antenna structure requiring illumination pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, as outlined elsewhere in this part:

(a)(1) Shall make an observation of the tower lights at least once each 24 hours either visually or by observing an automatic properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively,

(2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the licensee.

(b) Shall inspect at intervals not to exceed 3 months all automatic or mechanical control devices, indicators, and alarm systems associated with the tower lighting to insure that such apparatus is functioning properly.

[32 FR 11273, Aug. 3, 1967]

§ 17.48 Notification of extinguishment or improper functioning of lights.

The licensee of any radio station which has an antenna structure requiring illumination pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, as outlined elsewhere in this part:

(a) Shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes. Such reports shall set forth the condition of the light or lights, the circumstances which caused the failure, and the probable date for restoration of service. Further notification by telephone or telegraph shall be given immediately upon resumption of normal operation of the light or lights.

(b) An extinguishment or improper functioning of a steady burning side intermediate light or lights, shall be corrected as soon as possible, but notification to the FAA of such extinguishment or improper functioning is not required.

[32 FR 11273, Aug. 3, 1967, as amended at 39 FR 26157, July 17, 1974; 40 FR 30267, July 18, 1975]

§ 17.49 Recording of tower light inspections in the station record.

The licensee of any radio station which has an antenna structure requiring illumination must make the following entries in the station record in the event of any observed or otherwise known extinguishment or improper functioning of a tower light:

(a) The nature of such extinguishment or improper functioning.

(b) The date and time the extinguishment or improper operation was observed or otherwise noted.

(c) The date, time and nature of adjustments, repairs or replacements made.

[48 FR 38477, Aug. 24, 1983]

§ 17.50 Cleaning and repainting.

All towers shall be cleaned or repainted as often as necessary to maintain good visibility.

[32 FR 11273, Aug. 3, 1967]

§ 17.51 Time when lights should be exhibited.

(a) All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified.

(b) All high intensity obstruction lighting shall be exhibited continuously unless otherwise specified.

[40 FR 30267, July 18, 1975]

§ 17.53 Lighting equipment and paint.

The lighting equipment, color or filters, and shade of paint referred to in the specifications are further defined in the following government and/or Army-Navy aeronautical specifications, bulletins, and drawings (lamps are referred to by standard numbers):

Outside white	TT-P-102 [1] (Color No. 17875, FS-595).
Aviation surface orange	TT-P-59 [1] (Color No. 12197, FS-595).
Aviation surface orange, enamel	TT-E-489 [1] (Color No. 12197, FS-595).
Aviation red obstruction light—color	MIL-C-25050 [2].
Flashing beacons	CAA-446 [3] Code Beacons, 300 mm.
Do	MIL-6273 [2].
Double and single obstruction light	L-810 [3] (FAA AC No. 150/5345-2 [4]).
Do	MIL-L-7830 [2].
High intensity white obstruction light	FAA/DOD L-856 (FAA AC No. 150/5345-43B [4]).
116-Watt lamp	No. 116 A21/TS (6,000 h).
125-Watt lamp	No. 125 A21/TS (6,000 h).
620-Watt lamp	No. 620 PS-40 (3,000 h).
700-Watt lamp	No. 700 PS-40 (6,000 h).

[1] Copies of this specification can be obtained from the Specification Activity, Building 197, Room 301, Naval Weapons Plant, 1st and N Streets, SE., Washington, D.C. 20407.

[2] Copies of Military specifications can be obtained by contacting the Commanding Officer, Naval Publications and Forms Center, 5801 Tabor Ave., Attention: NPPC-105, Philadelphia, Pa. 19120.

[3] Copies of Federal Aviation Administration specifications may be obtained from the Chief, Configuration Control Branch AAF-110, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591.

[4] Copies of Federal Aviation Administration advisory circulars may be obtained from the Department of Transportation Publications Section, TAD-443.1, 400 7th St. SW., Washington, D.C. 20590.

[33 FR 11540, Aug. 14, 1968, as amended at 40 FR 30267, July 18, 1975]

§ 17.54 Rated lamp voltage.

To insure the necessary lumen output by obstruction lights, the rated voltage of incandescent lamps used shall correspond to be within 3 percent higher than the voltage across the lamp socket during the normal hours of operation.

[42 FR 54826, Oct. 11, 1977]

§ 17.56 Maintenance of lighting equipment.

(a) Replacing or repairing of lights, automatic indicators or automatic control or alarm systems shall be accomplished as soon as practicable.

(b) The flash tubes in a high intensity obstruction lighting system shall be replaced whenever the peak effective daytime intensity falls below 200,000 candelas.

[40 FR 30267, July 18, 1975]

§ 17.57 Report of radio transmitting antenna construction, alteration, and/or removal.

Any permittee or licensee who, pursuant to any instrument of authorization from the Commission to erect or make changes affecting antenna height or location of an antenna tower for which obstruction marking or lighting is required shall, prior to start of tower construction and upon completion of such construction or changes, fill out and file with the Aeronautical Chart Division of the National Ocean Survey, NOAA Form 76-10 (Report of Radio Transmitting Antenna Construction, Alteration and/or Removal) in order that antenna tower information may be provided promptly for use on aeronautical charts and related publications in the interest of safety in air navigation.

[39 FR 7581, Feb. 27, 1974]

§ 17.58 Facilities to be located on land under the jurisdiction of the U.S. Forest Service or the Bureau of Land Management.

Any application proposing new or modified transmitting facilities to be located on land under the jurisdiction of the U.S. Forest Service or the Bureau of Land Management shall include a statement that the facilities will be so located, and the applicant shall comply with the requirements of § 1.70 of this chapter.

[32 FR 11274, Aug. 3, 1967]

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

Subpart A—General Information

Sec.

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AUTHORITY: 47 U.S.C. 4, 301, 302, 303, 304, 307.

SOURCE: 50 FR 36067, Sept. 5, 1985, unless otherwise noted.

Subpart A—General Information

§ 18.101 Basis and purpose.

The rules in this part, in accordance with the applicable treaties and agreements to which the United States is a party, are promulgated pursuant to section 302 of the Communications Act of 1934, as amended, vesting the Federal Communications Commission with authority to regulate industrial, scientific, and medical equipment (ISM) that emits electromagnetic energy on frequencies within the radio frequency spectrum in order to prevent harmful interference to authorized radio communication services. This part sets forth the conditions under which the equipment in question may be operated.

§ 18.103 Organization and applicability of the rules.

The rules in this part are divided into the following subparts:

(a) Subpart A contains general information and definitions for use in this part.

(b) Subpart B describes the procedures and requirements for authorization to market or operate ISM equipment under this part.

(c) Subpart C contains the technical standards for ISM equipment.

§ 18.105 Other applicable rules.

Other Commission rule parts relating to the authorization and operation of ISM equipment include the following:

(a) Part O describes the Commission's organization and delegations of authority. This part also lists available Commission publications, standards and procedures for access to Commission records, and location of Commission field offices.

(b) Part 1 contains the rules of practice and procedure for adjudicatory proceedings including hearing proceedings; procedures for reconsideration and review of the Commission's actions; provisions concerning violation notices and for forfeiture proceedings; and the requirements for evironmental impact statements.

(c) Part 2 contains special requirements in international regulations, agreements, treaties, and the table of frequency allocations. This part also contains requirements and procedures concerning the marketing, the equipment authorization, and the importation of radio frequency devices into the United States.

§ 18.107 Definitions.

(a) *Radio frequency (RF) energy.* Electromagnetic energy at any frequency in the radio spectrum from 9 kHz to 3 THz (3,000 GHz).

(b) *Harmful interference.* Interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

(c) *Industrial, scientific, and medical (ISM) equipment.* Equipment or appliances designed to generate and use locally RF energy for industrial, scientific, medical, domestic or similar purposes, excluding applications in the field of telecommunication. Typical ISM applications are the production of physical, biological, or chemical effects such as heating, ionization of gases, mechanical vibrations, hair removal and acceleration of charged particles.

(d) *Industrial heating equipment.* A category of ISM equipment used for or in connection with industrial heating operations utilized in a manufacturing or production process.

(e) *Medical diathermy equipment.* A category of ISM equipment used for therapeutic purposes, not including surgical diathermy apparatus designed for intermittent operation with low power.

(f) *Ultrasonic equipment.* A category of ISM equipment in which the RF energy is used to excite or drive an electromechanical transducer for the production of sonic or ultrasonic mechanical energy for industrial, scientific, medical or other noncommunication purposes.

(g) *Consumer ISM equipment.* A category of ISM equipment used or intended to be used by the general public in a residential environment, notwithstanding use in other areas. Examples are domestic microwave ovens, jewelry cleaners for home use, ultrasonic humidifiers.

(h) *ISM frequency.* A frequency assigned by this part for the use of ISM equipment. A specified tolerance is associated with each ISM frequency. See § 18.301.

(i) *Marketing.* As used in this part, marketing shall include sale or lease, offer for sale or lease, advertising for sale or lease, the import or shipment or other distribution for the purpose of sale or lease or offer for sale or lease. See Subpart I of Part 2 of this chapter.

NOTE: In the foregoing, sale (or lease) shall mean sale (or lease) to the user or a vendor who in turn sells (or leases) to the user. Sale shall not be construed to apply to devices sold to a second party for manufacture or fabrication into a device which is subsequently sold (or leased) to the user.

§ 18.109 General technical requirements.

ISM equipment shall be designed and constructed in accordance with good engineering practice with sufficient shielding and filtering to provide adequate suppression of emissions on frequencies outside the frequency bands specified in § 18.301.

§ 18.111 General operating conditions.

(a) Persons operating ISM equipment shall not be deemed to have any vested or recognizable right to the continued use of any given frequency, by virtue of any prior equipment authorization and/or compliance with the applicable rules.

(b) Subject to the exceptions in paragraphs (c) and (d) of this section and irrespective of whether the equipment otherwise complies with the rules in this part, the operator of ISM equipment that causes harmful interference to any authorized radio service shall promptly take whatever steps may be necessary to eliminate the interference.

(c) The provisions of paragraph (b) of this section shall not apply in the case of interference to an authorized radio station or a radiocommunication device operating in an ISM frequency band.

(d) The provisions of paragraph (b) of this section shall not apply in the case of interference to a receiver arising from direct intermediate frequency pickup by the receiver of the fundamental frequency emissions of ISM equipment operating in an ISM frequency band and otherwise complying with the requirements of this part.

§ 18.113 Inspection by Commission representatives.

Upon request by a representative of the Commission the manufacturer, owner, or operator of any ISM equipment shall make the equipment available for inspection and promptly furnish the Commission with such information as may be required to indicate that the equipment complies with this part.

§ 18.115 Elimination and investigation of harmful interference.

(a) The operator of ISM equipment that causes harmful interference to radio services shall promptly take appropriate measures to correct the problem.

(b) If the operator of ISM equipment is notified by the Commission's Engineer in Charge (EIC) that operation of such equipment is endangering the functioning of a radionavigation or safety service, the operator shall immediately cease operating the equipment. Operation may be resumed on a temporary basis only for the purpose of eliminating the harmful interference. Operation may be resumed on a regular basis only after the harmful interference has been eliminated and approval from the EIC obtained.

(c) When notified by the EIC that a particular installation is causing harmful interference, the operator or manufacturer shall arrange for an engineer skilled in techniques of interference measurement and control to make an investigation to ensure that the harmful interference has been eliminated. The EIC may require the engineer making the investigation to furnish proof of his or her qualifications.

§ 18.117 Report of interference investigation.

(a) An interim report on investigations and corrective measures taken pursuant to § 18.115 of this Part shall be filed with the EIC of the local FCC office within 30 days of notification of harmful interference. The final report shall be filed with the EIC within 60 days of notification.

(b) The date for filing the final report may be extended by the Engineer in Charge when additional time is required to put into effect the corrective measures or to complete the investigation. The request for extension of time shall be accompanied by a progress report showing what has been accomplished to date.

§ 18.119 Importation.

ISM equipment shall be refused entry or withdrawal for consumption into the Customs territory of the United States, unless accompanied by a copy of FCC Form 740, in accordance with the provisions of Subpart K, Part 2 of this chapter.

§ 18.121 Exemptions.

Non-consumer ultrasonic ISM equipment, as defined under § 18.107, that is used for medical diagnostic and monitoring applications, is subject only to the provisions of § 18.105, §§ 18.109 through 18.119, and § 18.303 of this part.

[51 FR 43745, Dec. 4, 1986]

Subpart B—Applications and Authorizations

§ 18.201 Scope.

This subpart contains the procedures and requirements for authorization to market or operate ISM equipment under this part.

§ 18.203 Equipment authorization.

(a) Consumer ISM equipment, unless otherwise specified, shall be subject to certification prior to use or marketing. An application for certification shall be filed with the Commission on an FCC Form 731, pursuant to the relevant sections in Part 2, Subpart J of this chapter and shall also be accompanied by:

(1) A description of measurement facilities pursuant to § 18.205 or reference to such information already on file with the Commission.

(2) A technical report pursuant to §§ 18.207 and 18.311.

NOTE: The Commission will accept applications for either type approval or certification until September 1, 1986, for consumer microwave ovens. After that date, only applications for certification will be accepted for filing.

(b) Consumer ultrasonic equipment generating less than 500 watts and operating below 90 kHz, and non-consumer ISM equipment shall be subject to verification, in accordance with the relevant sections of part 2, Subpart J of this chapter.

(c) Grants of equipment authorization issued, as well as on-site certifications performed, before March 1, 1986, remain in effect and no further action is required.

§ 18.205 Description of measurement facilities.

(a) Any party filing a report of measurements with the Commission shall include in that report a description of the measurement facilities. If such a description is already on file with the Commission, it may be included by reference.

(b) The description shall include the following information:

(1) Location of test site.

(2) Physical description of the test site accompanied by photographs 8" x 10" in size. Photographs smaller than 8" x 10" will be acceptable if they are of sufficient clarity and mounted on paper 8" x 10".

(3) Scaled drawing showing the dimensions of the site, the physical layout of supporting structures and all structures within 5 times the distance between the measuring set and the device under test.

(4) Description of structures used to support the device being measured and the test instrumentation.

(5) List of measuring equipment used and information concerning the calibration of the measuring equipment, i.e., when the equipment was last calibrated and frequency of calibration.

(6) A statement indicating whether this facility is available to do measurement work for others on a contract basis.

(c) This information shall be kept current at all times. At least every three (3) years, the organization filing the data shall advise that the data on file are current.

NOTE: OET Bulletin 55, "Characteristics of Open Field Test Sites", provides further guidance on open field test sites.

[50 FR 36060, Sept. 5, 1985, as amended at 51 FR 12616, Apr. 14, 1986]

§ 18.207 Technical report.

When required by the Commission a technical report shall include at least the following information:

(a) A description of the measurement facilities in accordance with § 18.205. If such a description is already on file with the Commission, it may be included by reference.

(b) A copy of the installation and operating instructions furnished to the user. A draft copy of such instructions may be submitted with the application, provided a copy of the actual document to be furnished to the user is submitted as soon as it is available, but no later than 60 days after the grant of the application.

(c) The full name and mailing address of the manufacturer of the device and/or applicant filing for the equipment authorization.

(d) The FCC Identifier, trade name(s), and/or model number(s) under which the equipment is or will be marketed.

(e) A statement of the rated technical parameters that includes:

(1) A block and schematic diagram of the circuitry.

(2) Nominal operating frequency.

(3) Maximum RF energy generated.

(4) Electrical power requirements of equipment.

(5) Any other pertinent operating characteristics.

(f) A report of measurements, including a list of the measuring equipment used, and a statement of the date when the measuring equipment was last calibrated and when the measurements were made. The frequency range that was investigated in obtaining the report of measurements shall be indicated. See also §§ 18.309 and 18.311.

§ 18.209 Identification of authorized equipment.

Each device for which a grant of equipment authorization is issued under this part shall be identified pursuant to the applicable provisions of Subpart J of Part 2 of this chapter. Changes in the identification of authorized equipment may be made pursuant to § 2.933 of Part 2 of this chapter. FCC Identifiers as described in §§ 2.925 and 2.926 of this chapter shall not be used on equipment subject to verification.

§ 18.211 Multiple listing of equipment.

(a) When the same or essentially the same equipment will be marketed under more than one FCC Identifier, equipment authorization must be requested on an FCC Form 731 for each FCC Identifier.

(b) If equipment authorization for additional FCC Identifiers is requested in the initial application, a statement shall be included describing how these additional devices differ from the basic device which was measured and stating that the report of measurements submitted for the basic device applies also to the additional devices.

(c) If equipment authorization for additional FCC Identifiers is requested after a grant has been issued by the FCC for the basic device, the application may, in lieu of the report of measurements, be accompanied by a statement including:

(1) FCC Identifier of device for which measurements are on file with the FCC.

(2) Date when equipment authorization was granted for the device(s) listed under paragraph (c)(1) of this section and the file number of such grant.

(3) Description of the difference between the device listed under paragraph (c)(1) of this section and the additional device(s).

(4) A statement that the report of measurements filed for the device listed under paragraph (c)(1) of this section applies also to the additional device(s).

(5) Photographs pursuant to § 2.1033(c).

§ 18.213 Information to the user.

Information on the following matters shall be provided to the user in the instruction manual or on the packaging if an instruction manual is not provided for any type of ISM equipment:

(a) The interference potential of the device or system

(b) Maintenance of the system

(c) Simple measures that can be taken by the user to correct interference.

[50 FR 36069, Sept. 5, 1985, as amended at 51 FR 17970, May 16, 1986]

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Subpart C—Technical Standards

§ 18.301 Operating frequencies.

ISM equipment may be operated on any frequency above 9 kHz except as indicated in § 18.303. The following frequency bands, in accordance with § 2.106 of the rules, are allocated for use by ISM equipment:

ISM frequency	Tolerance
6.78 MHz	±15.0 kHz
13.56 MHz	±7.0 kHz
27.12 MHz	±163.0 kHz
40.68 MHz	±20.0 kHz
915 MHz	±13.0 MHz
2,450 MHz	±50.0 MHz
5,800 MHz	±75.0 MHz
24,125 MHz	±125.0 MHz
61.25 GHz	±250.0 MHz
122.50 GHz	±500.0 MHz
245.00 GHz	±1.0 GHz

NOTE: The use of the 6.78 MHz ±15 kHz frequency band is subject to the conditions of footnote 524 of the Table of Allocations. See § 2.106.

§ 18.303 Prohibited frequency bands.

Operation of ISM equipment within the following safety, search and rescue frequency bands is prohibited: 490-510 kHz, 2170-2194 kHz, 8354-8374 kHz, 121.4-121.6 MHz, 156.7-156.9 MHz, and 242.8-243.2 MHz.

§ 18.305 Field strength limits.

(a) ISM equipment operating on a frequency specified in § 18.301 is permitted unlimited radiated energy in the band specified for that frequency.

(b) The field strength levels of emissions which lie outside the bands specified in § 18.301, unless otherwise indicated, shall not exceed the following:

Equipment	Operating frequency	RF Power generated by equipment (watts)	Field strength limit (uV/m)	Distance (meters)
Any type unless otherwise specified (miscellaneous)	Any ISM frequency	Below 500	25	30
		500 or more	25 √ power/500	[1]30
	Any non-ISM frequency	Below 500	15	30
		500 or more	15 √ power/500	[1]30
Industrial heaters and RF stabilized arc welders	On or below 5,725 MHz	Any	10	[1]60
	Above 5,725 MHz	Any	([2])	([2]
Medical diathermy	Any ISM frequency	Any	25	30
	Any non-ISM frequency	Any	15	30
Ultrasonic	Below 490 kHz	Below 500	2,400/F(kHz)	30
		500 or more	2,400/F(kHz) √ power/500	[3]30
	490 to 1,600 kHz	Any	24,000/F(kHz)	3
	Above 1,600 kHz	Any	15	3
Induction cooking ranges	Below 90 kHz	Any	1,500	[4]3
	On or above 90 kHz	Any	300	[4]3

[1] Field strength may not exceed 10 μV/m at 1600 meters. Consumer equipment operating below 1000 MHz is not permitted the increase in field strength otherwise permitted here for power over 500 watts.

[2] Reduced to the greatest extent possible.

[3] Field strength may not exceed 10 μV/m at 1600 meters. Consumer equipment is not permitted the increase in field strength otherwise permitted here for over 500 watts.

[4] Induction cooking ranges manufactured prior to February 1, 1980, shall be subject to the field strength limits for miscellaneous ISM equipment.

(c) The field strength limits for RF lighting devices shall be the following:

Frequency (MHz)	Field strength limit at 30 meters (μV/m)
Non-consumer equipment:	
30-88	30
88-216	50
216-1000	70
Consumer equipment:	
30-88	10
88-216	15
216-1000	20

NOTES

1. The tighter limit shall apply at the boundary between two frequency ranges.

2. Testing for compliance with these limits may be made at closer distances, provided a sufficient number of measurements are taken to plot the radiation pattern, to deter

mine the major lobes of radiation, and to determine the expected field strength level at 30, 300, or 1600 meters. Alternatively, if measurements are made at only one closer fixed distance, then the permissible field strength limits shall be adjusted using 1/d as an attenuation factor.

[50 FR 36070, Sept. 5, 1985, as amended at 51 FR 17970, May 16, 1986; 52 FR 43197, Nov. 10, 1987]

§ 18.307 Conduction limits.

For the following equipment, which is designed to be connected to a low voltage public utility power line, the RF voltage conducted back into the power lines measured with a line impedance stabilization network (LISN) shall be limited to:

(a) Ultrasonic equipment:

Frequency (MHz)	Maximum RF line voltage measured with a 5 μH/50 ohm LISN (μV)
0.010–0.49	1000
0.49–30	200

(b) Induction cooking ranges manufactured after February 1, 1980:

Frequency (MHz)	Maximum RF line voltage measured with a 5μH/50 ohm LISN (mV)
0.010–0.1	10–1 (linear interpolation)
0.1–0.5	1
0.5–30	0.25

(c) RF lighting devices:

Frequency (MHz)	Maximum RF line voltage measured with a 50μH/50 ohm LISN (μV)
Non-consumer equipment	
0.45 to 1.6	1000
1.6 to 30	3000
Consumer equipment	
0.45 to 30	250

NOTES

1. These conduction limits shall apply outside the bands specified in § 18.301.

2. For ultrasonic equipment, compliance with these conduction limits shall preclude the need to show compliance with the field strength limits below 30 MHz unless requested by the Commission.

3. The tighter limits shall apply at the boundary between two frequency ranges.

[50 FR 36067, Sept. 5, 1985, as amended at 52 FR 43198, Nov. 10, 1987]

§ 18.309 Frequency range of measurements.

(a) For field strength measurements:

Frequency band in which device operates (MHz)	Range of frequency measurements	
	Lowest frequency	Highest frequency
Below 1.705	Lowest frequency generated in the device, but not lower than 9 kHz	30 MHz
1.705 to 30	Lowest frequency generated in the device, but not lower than 9 kHz	400 MHz
30 to 500	Lowest frequency generated in the device or 25 MHz, whichever is lower	Tenth harmonic or 1,000 MHz, whichever is higher
500 to 1,000	Lowest frequency generated in the device or 100 MHz, whichever is lower	Tenth harmonic
Above 1,000	do	Tenth harmonic or highest detectable emission

(b) For conducted powerline measurements, the frequency range over which the limits are specified will be scanned.

[50 FR 36070, Sept. 5, 1985, as amended at 51 FR 17971, May 16 1986]

§ 18.311 Methods of measurements.

The measurement techniques which will be used by the FCC to determine compliance with the technical requirements of this Part are set out in FCC Measurement Procedure MP-5, "Methods of Measurements of Radio

Noise Emissions from ISM equipment". Although the procedures in MP-5 are not mandated, manufacturers are encouraged to follow the same techniques which will be used by the FCC.

PART 19—EMPLOYEE RESPONSIBILITIES AND CONDUCT

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AUTHORITY: E.O. 11222, 3 CFR 1965 Comp., 5 CFR 735.104, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to Part 19 appear at 45 FR 39850, June 12, 1980.

Subpart A—General Provisions

§ 19.735-101 Purpose.

The effectiveness of the Commission in serving the public interest depends upon the extent to which the Commission holds the confidence and esteem of the Nation's citizens. To hold the public confidence, unusually high standards of honesty, integrity, impartiality, and conduct must be maintained within the Commission and all officers and employees must not only obey the literal requirements of the Federal laws and orders governing official conduct, but also show by their conduct that they support the ethical principles which underlie these laws and regulations. The avoidance of misconduct and conflicts of interest on the part of Commission employees through informed judgment is indispensable to the maintenance of these standards. In accordance with these concepts, this part sets forth the Commission's regulations prescribing standards of conduct and responsibilities and governing statements of employment and financial interests for employees and special Government employees. The Commission has delegated to the Chairman responsibility for the detection and prevention of acts, short of criminal violations, which could bring discredit upon the Commission and the Federal service.

(Secs. 4(i) and 303(r), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r); 18 U.S.C. 207(j))

[31 FR 2722, Feb. 15, 1966, as amended at 48 FR 44802, Sept. 30, 1983]

§ 19.735–102 Definitions.

"*Commission*" means the Federal Communications Commission.

"*Employee*" means an officer or employee of the Commission including the Commissioners, but does not include a special Government employee or member of the uniformed services.

"*Executive Order*" means Executive Order 11222 of May 8, 1965.

"*Person*" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

"*Special Government employee*" means a "*special Government employee*," as defined in section 202 of title 18 of the United States Code, that is, one appointed to serve with or without compensation, for not more than 130 days during any period of 365 days on a full-time or intermittent basis, who is employed in the Commission, but does not include a member of the uniformed services.

"*Uniformed services*" has the meaning given that term by section 101(3) of title 37 of the United States Code.

"*Office of Personnel Management Regulations*" mean the regulations (5 CFR Part 735) on employee responsibilities and conduct issued by the Office of Personnel Management on October 1, 1965, in implementation of Executive Order 11222.

"*Communications Act*" means the Federal Communications Act of 1934, as amended, 47 U.S.C. 151 et seq.

[31 FR 2722, Feb. 15, 1966]

§ 19.735–103 Cross reference; former Commissioners and employees.

For provisions pertaining to former Commissioners and employees, see § 1.25 of this chapter.

[41 FR 32891, Aug. 6, 1976]

§ 19.735–104 Issuance and availability of Commission regulations.

(a) The regulations in this part have been prepared in accordance with 5 CFR Parts 734, 735, and 737 in order to:

(1) Implement the requirements of the Executive order and Parts 734, 735, and 737 of Title 5 CFR.

(2) Prescribe additional standards of ethical and other conduct and reporting requirements that are appropriate to the particular functions and activities of the Commission and are not inconsistent with the Executive order and Parts 734, 735, and 737 of Title 5 CFR.

(b) The Commission shall furnish each new employee and special Government employee with a copy of the Commission's regulations in this part, as revised, at the time of his or her entrance on duty. The Head of each Office and Bureau has the responsibility to secure from every person subject to his or her administrative supervision a statement indicating that the individual has read and is familiar with the contents of the revised order and regulations in this part, and to advise the Managing Director that all persons have stated they are familiar with the revised order and regulations in this part. Each new employee shall execute a similar statement at the time of entrance on duty. Periodically, and at least once a year, the Managing Director shall take appropriate action to insure that the Head of each Office and Bureau shall remind employees subject to his or her administrative supervision of the content of the regulations in this part.

(c) Copies of laws, the Executive order, and this agency's regulations and instructions relating to ethical and other conduct shall be available in the office of the Designated Agency Ethics Official for review by employees and special Government employees. (See 47 CFR 0.231(i).)

(Secs. 4(i) and 303(r), Communications Act of 1934, as amended at 47 U.S.C. 154(i) and 303(r); 18 U.S.C. 207(j))

[48 FR 44802, Sept. 30, 1983]

§ 19.735-105 Interpretation and advisory service.

(a)(1) The head of the Internal Control and Security Office is designated as the agency's ethics official for purposes of 5 CFR Parts 734 and 737. The General Counsel is designated as legal counselor for the Commission to provide guidance on matters relating to ethical conduct. The General Counsel is to serve as the Commission's designee to the Office of Personnel Management on matters covered by 5 CFR Part 735.

(2) The Office of the General Counsel is responsible for coordination of the Commisson's legal counseling services provided under paragraph (b) of this section and for assuring that legal counseling and interpretation on questions of conflict of interest and other matters covered by this part are available.

(b) The counseling services provided by the Office of the General Counsel include the giving of advice and guidance to each employee and special Government employee who seeks advice and guidance on questions of conflicts of interest and other matters covered by this part.

(c) If an employee is in doubt about any matter covered by this part, or if he has a question as to the propriety of a past or contemplated line of conduct, he should discuss his problem with his immediate supervisor, or the Office of General Counsel.

(d) Requests for interpretative rulings concerning the applicability of the new order and regulations in this part in implementation thereof may be submitted through the employee's supervisor to the Office of the General Counsel.

(e) At the time of an employee's entrance on duty and at least once each calendar year thereafter, the Commission's employees and special Government employees shall be notified of the availability of counseling services and of how and where these services are available.

(Secs. 4(i) and 303(r), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r); 18 U.S.C. 207(j))

[31 FR 2722, Feb. 15, 1966, as amended at 48 FR 44802, Sept. 30, 1983; 54 FR 15195, Apr. 17, 1989]

§ 19.735-106 [Reserved]

§ 19.735-107 Disciplinary and other remedial action.

(a) A violation of the regulations in this part by an employee or special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

(b) In carrying out the Commission's Review and Inspection Program with respect to employee conduct, the Chairman will designate an officer or employee of the Commission who will promptly investigate all incidents or situations in which it appears that employees may have engaged in improper conduct. Such investigation will be initiated in all cases where complaints are brought to the attention of the Chairman, including: Adverse comment appearing in publications; complaints from members of Congress, private citizens, organizations, other Government employees or agencies; and formal complaints referred to the Chairman by the counselor for the Commission.

(c) The Inspector General will be promptly notified of all complaints or allegations of employee misconduct. The Inspector General will also be notified of the planned initiation of an investigation under this Part. Such notification shall occur prior to the initiation of the investigation required by paragraph (a) of this section. The Inspector General may choose to conduct the investigation in accordance with these rules. Should the Inspector General choose to conduct the investigation, he will promptly notify the Chairman. The Inspector General will serve as the designated officer and be solely responsible for the investigation. In carrying out this function, the nspector General may obtain investi- ative services from other Commission ffices, other governmental agencies r non-governmental sources and use ny other means available to him in ccordance with Pub. L. 100-504 or 5 .S.C. Appendix 3. The Inspector eneral will be provided with the re- ults of all investigations in which he hooses not to participate.

(d) When, after consideration of the xplanation of the employee or special overnment employee provided by 19.735-405(e), the Chairman decides hat remedial action is required, he hall take immediate action to end the onflicts or appearance of conflicts of nterest. Remedial action may include, ut is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or pecial Government employee of his onflicting interest;

(3) Action under the Commission's eview and Inspection Program re- ulting in one of the following actions:

(i) When investigation reveals that he charges are groundless the person esignated by the Chairman to assist n administration of the program may ive – letter of clearance to the em- loyee concerned, and the case will ot be recorded in his official person- el folder.

(ii) If, after investigation, the case nvestigator deems the act to be erely a minor indiscretion, he may esolve the situation by discussing it with the employee. The case will not e recorded in the employee's official ersonnel folder.

(iii) If the case administrator consid- ers the problem to be of sufficient im- portance, he may call it to the atten- tion of the Chairman, who in turn may notify the employee of the seri- ousness of his act and warn him of the consequences of a repetition. The case will not be recorded in the employee's official personnel folder, unless the employee requests it.

(iv) The Chairman may, when in his opinion circumstances warrant, estab- lish a special review board to investi- gate the facts in a case and to make a full report thereon, including recom- mended action.

(v) If the Chairman decides that formal disciplinary action should be taken, he may prepare for Commission consideration a statement of facts and recommend one of the following:

(*a*) *Written reprimand.* A formal letter containing a complete statement of the offense and official censure;

(*b*) *Suspension.* A temporary nonpay status and suspension from duty;

(*c*) *Removal for cause.* Separation for cause in case of a serious offense.

Only after a majority of the Commission approves formal disciplinary action will any record resulting from the administration of this program be placed in the employee's official personnel folder.

(4) Disqualification for a particular assignment.

Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.

(Secs. 4(i) and 303(r), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r); 18 U.S.C. 207(j))

[31 FR 2722, Feb. 15, 1966, as amended at 48 FR 44803, Sept. 30, 1983; 54 FR 15195, Apr. 17, 1989]

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

§ 19.735-201 Specific provisions.

The regulations issued under this subpart contain provisions covering the standards of and governing the ethical and other conduct of FCC employees set forth in §§ 735.201a through 735.210 of the Office of Personnel Management Regulations (5 CFR 735.201a through 735.210), as well as those set forth in the Executive order and the Federal Conflicts of Interest statutes and the Federal Communications Act of 1934, as amended. They are not meant to restrict unduly a Commission employee's social activities. Each employee must judge for himself whether his social activities may or may not compromise or appear to compromise his position as a public servant.

[31 FR 2723, Feb. 15, 1966]

§ 19.735-201a Proscribed actions.

An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Government efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Government decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Government.

[32 FR 13457, Sept. 26, 1967]

§ 19.735-202 Gifts, entertainment, and favors.

(a) Except as provided in paragraphs (b) and (f) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission;

(2) Conducts operations or activities that are regulated by the Commission; or

(3) Has interests that may be substantially affected by the performance or nonperformance of his (the employee's) official duty; or

(4) Is in any way attempting to affect the employee's official actions at the Commission.

(5) Is offering anything of monetary value to an employee because of the employee's official position.

(b) The prohibitions enumerated in paragraph (a) of this section do not apply in the situations enumerated below:

(1) Where obvious family (such as those between the parents, children, or spouse of the employee and the employee) or other personal relationships make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) Food and refreshments, not lavish in kind, may be accepted when (i) offered free in the course of a meeting or other group function, not connected with an inspection or investigation, at which attendance is desirable because it will assist the Commission employee in performing his or her official duties; or (ii) provided to all panelists or speakers when a Commission employee is participating as a panelist or speaker in a program, seminar or educational conference.

The Commission's Office of General Counsel shall make a prior written determination as to the propriety of accepting invitations from regulated entities or interested persons as described in 47 CFR 19.735-202(a)(1) through (5), and shall keep a log of its decisions. Approval may be requested by any Commission employee or the organizer of the group function;

(3) Loans may be obtained from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans;

(4) Unsolicited advertising or promotional material such as pens, pencils, note pads, calendars and other items of nominal intrinsic value may be accepted, as well as literature relating to the communications field.

(5) Gifts given for participation in a program, seminar or educational conference may be accepted only when such gifts are (i) of nominal intrinsic value; (ii) in the nature of a remembrance traditional to the particular sponsoring entity; (iii) provided to all participants in the program.

NOTE: These situations are elaborated upon in an October 23, 1987, Refreshments by Executive Branch Employees.

(c) [Reserved]

(d) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(e) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in Pub. L. 89-673, 80 Stat. 952.

(f) Neither this section nor § 19.735-203 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B-128527 of the Comptroller General dated March 7, 1967.

[31 FR 2723, Feb. 15, 1966; 31 FR 4834, Mar. 23, 1966, as amended at 32 FR 13457, Sept. 26, 1967; 52 FR 7578, Mar. 12, 1987; 53 FR 28227, July 27, 1988]

§ 19.735–203 Outside employment and other activity.

(a) The Commissioners are prohibited from engaging in any other business, vocation, profession, or employment. (47 U.S.C. 154(b)) No Commissioner or employee of the Commission is permitted to be in the employ of or hold any official relation to any person subject to any of the provisions of the Communications Act. (47 U.S.C. 154(b)) In addition, no Commissioner or employee of the Commission may engage in outside employment or other outside activity, with or without compensation, which is in conflict with or otherwise not compatible with the full and proper discharge of his duties and responsibilities as a Commission employee. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of a conflicts of interest situation; or

(2) Outside employment which tends to impair his mental or physical capacity to perform his Commission duties and responsibilities in an acceptable manner; or

(3) Outside employment or activities (excluding the publication of articles) which reasonably might be regarded as official actions or bring discredit upon the Commission.

(b) No professional employee of the Commission shall engage in the private practice of his profession unless specifically authorized by the Commission. Requests for such authorizations shall, in the case of employees generally, be submitted to the Head of the Office or Bureau to which the employee is assigned; in the case of Heads of Offices and Bureaus to the Chairman; and in the case of an employee in the immediate office of a Commissioner to the Commissioner. All pertinent facts regarding the proposed employment, such as the name of the employer, the nature of the work to be performed, and the amount of time involved shall be set forth.

(c) Employees of the Commission are encouraged to engage in teaching, lecturing and writing that is not prohibited by law, the Executive Order, the Office of Personnel Management Regulations or the provisions of this chapter. However, an employee shall not, either with or without compensation, engage in teaching, lecturing or writing (including such as is involved in the preparation of a person or class of persons for a Office of Personnel Management or Foreign Service examination) that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Chairman gives written authorization for the use of non-public information on the basis that its use is in the public interest. Except in the case of a Commissioner, articles which identify the author as a Commission employee shall include the following disclaimer:

> The views expressed are those of the author and do not necessarily reflect the views of the Commission.

Documents prepared in the course of, and publications relating to, an employee's official duties shall not be used for his private gain. In addition, the Commissioners shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission, or which draws substantially on official data or ideas which have not become part of the body of public information. (See also 47 U.S.C. 154(b) and § 735.203(b)(2)).

(d) [Reserved]

(e) This section does not preclude a Commission employee from:

(1) [Reserved]

(2) Participation in the activities of national or State political parties not proscribed by law.

(3) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

[31 FR 2723, Feb. 15, 1966, as amended at 32 FR 13457, Sept. 26, 1967; 33 FR 11821, Aug. 21, 1968; 44 FR 9755, Feb. 15, 1979]

§ 19.735-204 Financial interests.

(a) An employee of the Commission shall not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities.

(b) An employee of the Commission shall not engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(c)(1) Section 4(b) of the Communications Act provides in pertinent part as follows:

> No member of the Commission or person employed by the Commission shall:
>
> (i) Be financially interested in any company or other entity engaged in the manufacture or sale of telecommunications equipment which is subject to regulation by the Commission;
>
> (ii) Be financially interested in any company or other entity engaged in the business of communication by wire or radio or in the use of the electromagnetic spectrum;
>
> (iii) Be financially interested in any company or other entity which controls any company or other entity specified in clause (i) or clause (ii), or which derives a significant portion of its total income from ownership of stocks, bonds, or other securities of any such company or other entity; or
>
> (iv) Be employed by, hold any official relation to, or own any stocks, bonds, or other securities of, any person significantly regulated by the Commission under this act;
>
> except that the prohibitions established in this subparagraph shall apply only to financial interests in any company or other entity which has a significant interest in communications, manufacturing, or sales activities which are subject to regulation by the Commission. * * *

(47 U.S.C. 154(b)(2)(A))

(2) To determine whether an entity has a significant interest in communications related activities that are subject to Commission regulations, the Commission shall consider, without excluding other relevant factors, the section 4(b)(3) criteria. These criteria include:

(i) The revenues and efforts directed toward the telecommunications aspect of the business;

(ii) The extent of Commission regulation over the entity involved;

(iii) The potential economic impact of any Commission action on that particular entity; and

(iv) The public perception regarding the business activities of the company.

(*See* 47 U.S.C. 154(b)(3))

(3) Section 4(b)(2)(B)(i)-(ii) of the Act permits the Commission to waive the conflict of interest provisions for employees (but not Commissioners) if it is determined that the financial interests are minimal. The Act's waiver provision, which is subject to 18 U.S.C. 208, provides essentially as follows:

(i) The Commission shall have authority to waive, from time to time, the application of the prohibitions established in subparagraph (A) of section 4(b) to persons employed by the Commission if the Commission determines that the financial interests of a person which are involved in a particular case are minimal, except that such waiver authority shall be subject to the provisions of section 208 of title 18, United States Code. The waiver authority established in this subparagraph shall not apply with respect to members of the Commission.

(ii) In any case in which the Commission exercises the waiver authority established in section 4(b), the Commission shall publish notice of such action in the FEDERAL REGISTER and shall furnish notice of such action to the appropriate committees of each House of the Congress. Each such notice shall include information regarding the identity of the of the person receiving the waiver, the position held by such person, and the nature of the financial interests which are the subject of the waiver.

(d) No Commissioner shall have a pecuniary interest in any hearing or proceeding in which he participates. (47 U.S.C. 154(j).)

(e) An employee of the Commission is also subject to the provisions of Federal conflicts of interest statutes, which are generally applicable to Government employees, but which do not supersede the provisions of section 4(b) of the Communications Act. In summary, the main conflict of interest provisions applying to financial interests are:

(1) An employee may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203 and 205).

(i) This prohibition does not extend to (*a*) representation of another person, without compensation, in a disciplinary, loyalty, or other personnel matter; or (*b*) the giving of testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(ii) This prohibition may be waived under the express approval of the Government official responsible for his appointment in the case of an employee who represents, with or without compensation, his own parents, spouse or child or a person or estate he serves as a fiduciary, but only as to matters in which the employee has not participated personally and substantially as a Government employee and which are not the subject of his official responsibility.

(2) An employee may not participate in his governmental capacity in any matter in which he, his spouse, minor child or outside business associate has a financial interest (18 U.S.C. 208).

(i) This prohibition shall not apply if the employee advises the Government official responsible for his appointment of the nature of the matter, makes full disclosure of the financial interest, and receives in advance a written determination that the interest is not so substantial as to be deemed likely to affect the integrity of the employee's services.

(3) An employee may not participate in his governmental capacity in any matter in which a person from whom he has accepted employment, or with whom he is negotiating for employment, has a financial interest. At the outset of negotiations with such a prospective employer, the employee shall notify his immediate supervisor. The supervisor shall review the employee's current assignments and responsibilities and discharge him from any that could affect the interests of the prospective employer. The employee shall thereupon file a statement of disqualification and non-participation pursuant to § 19.735-412(b)(7). The statement shall continue in effect until such time (if any) as the negotiations are unsuccessfully terminated.

(4) An employee may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (18 U.S.C. 209).

(i) This prohibition will not prevent an employee from continuing to participate in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer.

(ii) This prohibition is not applicable to anyone serving the Government without compensation or to contributions, awards, or other expenses under the terms of the Government Employees Training Act (5 U.S.C. 2301-2319).

(f) Procedures for requesting a waiver of the applicability of the above conflict of interest statutes appear at § 19.735-412 of this part.

(Secs. 4, 303, 48 Stat. as amended, 1066, 1082; 47 U.S.C. 154, 303; 18 U.S.C. 207(j))

[31 FR 2724, Feb. 15, 1966, as amended at 44 FR 50842, Aug. 30, 1979; 48 FR 38242, Aug. 23, 1983; 48 FR 44803, Sept. 30, 1983; 51 FR 37022, Oct. 17, 1986]

§ 19.735-205 Use of Government property.

An employee of the Commission shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

[31 FR 2725, Feb. 15, 1966]

§ 19.735-206 Misuse of information.

Except as provided in § 19.735-206(c), or as authorized by the Commission, an employee shall not, directly or indirectly, disclose to any person outside the Commission any information, or any portion of the contents of any document, which is part of the Commission's records or which is obtained through or in connection with his Government employment, and which is not routinely available to the public and, with the same exceptions, shall not use any such documents or information except in the conduct of his official duties. Conduct intended to be prohibited by this section includes, but is not limited to, the disclosure of information about the content of agenda items (except for compliance with the Government in the Sunshine Act), 5 U.S.C. 552b or other staff papers to persons outside the Commission and disclosure of actions or decisions made by the Commission at closed meetings or by circulation, prior to the public release of such information. This section does not prohibit the release of an official Commission meeting agenda listing titles an summaries of items for discussion at an open Commission meeting. Also, this section does not prohibit the release of information about the scheduling of Commission agenda items.

[44 FR 29072, May 18, 1979]

§ 19.735-207 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Commission determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Commission to determine the validity or amount of the disputed debt.

[31 FR 2725, Feb. 15, 1966]

§ 19.735-208 Gambling, betting, and lotteries.

An employee of the Commission shall not participate, while on Government-owned or leased property or while on duty for the Commission, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

(a) Necessitated by an employee's law enforcement duties; or

(b) Under section 3 of Executive Order 10927 and similar agency-approved activities.

[31 FR 2725, Feb. 15, 1966]

§ 19.735-209 General conduct prejudicial to the Government.

An employee of the Commission shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Commission or to the Government.

[31 FR 2725, Feb. 15, 1966]

§ 19.735-210 Miscellaneous statutory provisions.

In addition to the statutes referred to in § 19.735-204, each employee shall acquaint himself with the following provisions that relate to his ethical and other conduct as an employee of the Commission.

(a) House Concurrent Resolution 175, 85th Congress, 2d Session, 7 Stat. B12, the "Code of Ethics for Government Service."

(b) Chapter 11 of Title 18, United States Code, relating to bribery, graft and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibitions against political activities in subchapter III of chapter 73 of title 5, United States Code 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(r) The Ethics in Government Act of 1978 (92 Stat. 1824 (1978)), as amended (see 93 Stat. 37 and 76 (1979)).

(s) The prohibitions applicable to former Commissioners and employees and their partners. (18 U.S.C. 207) Cross-reference §§ 1.25 and 1.29 of this chapter.

(Secs. 4(i) and 303(r), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r); 18 U.S.C. 207(j))

[31 FR 2725, Feb. 15, 1966, as amended at 32 FR 13457, Sept. 26, 1967; 48 FR 44803, Sept. 30, 1983]

Subpart C—Ethical and Other Conduct and Responsibilities of Special Government Employees

Source: 31 FR 2725, Feb. 15, 1966, unless otherwise noted.

§ 19.735-301 Specific provisions.

The regulations issued under this subpart contain provisions covering the standards of and governing the ethical and other conduct of special Government employees of the Commission as set forth in §§ 735.302 through 735.306 of the Office of Personnel Management Regulations (5 CFR 735.302 through 735.306) as well as those set forth in the Executive order and the Federal Conflicts of Interest Statutes and the Federal Communications Act of 1934, as amended.

§ 19.735-302 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 19.735-303 Use of inside information.

(a) A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(b) A special Government employee may teach, lecture, or write in a manner not inconsistent with § 19.735-203(c) in regard to employees.

§ 19.735-304 Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

§ 19.735-305 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with his agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person particularly one with whom he has family, business, or financial ties.

(b) The same exceptions applying to the acceptance of gifts, entertainment, and favors by Government employees which are set forth under § 19.735-202(b) apply to special Government employees of the Commission.

§ 19.735-306 Miscellaneous statutory provisions.

Each special Government employee of the Commission shall acquaint himself with the following major statutory prohibitions relating to his ethical and other conduct as well as those set forth in § 19.735-210 in this part.

(a) Section 4(b) of the Communications Act which is reprinted in pertinent part in § 19.735-204(c)(1) in this part.

(b) Sections 203 and 205 of Title 18 of the United States Code which provide that a special Government employee:

(1) May not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government.

(2) May not, except in the discharge of his official duties, represent anyone else in a matter pending before the agency he serves unless he has served there no more than 60 days during the past 365. He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

(3) These prohibitions do not extend to:

(i) Representation of another person without compensation in a disciplinary, loyalty, or other personnel matter; or

(ii) The giving of testimony under oath or from making statements required to be made under penalty for perjury or contempt; or

(iii) Representation, with the approval of the Government official responsible for his appointment, of his own parents, spouse, or child, in matters in which he has not participated personally and substantially and which are not the subject of his official responsibility.

(c) Section 208 of Title 18 of the United States Code which provides that a special Government employee may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment has a financial interest.

(1) This prohibition shall not apply if the employee advises the Government officials responsible for his appointment of the nature of the matter, makes full disclosure of the financial interest, and receives in advance a written determination that the interest is not so substantial as to be deemed likely to affect the integrity of the employee's services.

(d) Section 207 of Title 18 of the United States Code provides prohibitions relating to special Government employees and their partners respecting appearances before agencies of the United States. See §§ 1.25 and 1.29 of this chapter.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303; 18 U.S.C. 207(j))

[31 FR 2725, Feb. 15, 1966, as amended at 48 FR 38242, Aug. 23, 1983; 48 FR 44803, Sept. 30, 1983]

Subpart D—Statements of Employment and Financial Interests

SOURCE: 31 FR 2726, Feb. 15, 1966, unless otherwise noted.

§ 19.735-401 Form and content of statements.

The statements of employment and financial interests required under this subpart for use by employees and special Government employees of the Commission are in accordance with the formats prescribed by the Office of Personnel Management in the Federal Personnel Manual.

§ 19.735-402 Specific provisions of agency regulations for employees.

The regulations issued under this subpart are in accordance with the reporting requirements set forth in §§ 735.403 through 735.411 of the Office of Personnel Management Regulations (5 CFR 735.403 through 735.411).

§ 19.735-403 Employees required to submit statements.

(a) A "Confidential Statement of Employment and Financial Interests" (FCC Form A-54) shall be required from the following employees of the Commission:

(1) Employees who are in Grades GS-13 through GS-15.

(2) Those employees who are in Grades GS-11 through GS-12 who are Heads or Supervisors or Assistant Heads or Supervisors of field offices.

(3) All purchasing agents.

(4) All employees serving as auditors or accountants, with the principal duty of auditing private enterprises.

(5) All employees in the offices of the Commissioners not subject to the reporting requirements of Subpart E of this part.

(6) Employees in positions classified below GS-13 may be required to file if the positions they hold meet the criteria established in 5 CFR 735.403 and the requirement to file has been specifically justified by the Commission to the Office of Personnel Management.

(b) A "Confidential Statement of Employment and Financial Interests" shall be required from Commissioners and employees who are subject to separate reporting requirements under Subpart E of this part or section 401 of Executive Order 11222, but such statement shall be filed on FCC Form A-54A.

(Secs. 4(i) and 303(r), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r); 18 U.S.C. 207(j))

[48 FR 44803, Sept. 30, 1983]

§ 19.735-403a Employee's complaint on filing requirement.

An employee who believes that his position has been improperly included under the Commission's regulations requiring the filing of a statement of employment and financial interests is entitled to seek review of his complaint under the Commission's grievance procedure.

[32 FR 13458, Sept. 26, 1967]

§ 19.735-404 [Reserved]

§ 19.735-405 Submission and review of employees' statements.

(a) An employee required to submit a statement of employment and financial interests pursuant to § 19.735-403 shall submit that statement on the prescribed form not later than thirty days after his or her entrance on duty.

(b) An employee required to submit a statement of employment and financial interests shall submit that statement to the office of the Managing Director.

(c) An employee required to submit a statement of employment and financial interests will be individually notified of his or her obligation to file.

(d) Financial statements submitted under Subpart D shall be reviewed by the Designated Agency Ethics Official.

(e) When a statement submitted under Subpart D of this part or information from other sources indicates a conflict between the interests of an employee or special Government employee and the performance of his or her services for the Government, the information concerning the conflict or appearance of conflict shall be reported to the Managing Director and the employee or special Government employee concerned shall be provided an opportunity to explain the conflict or appearance of conflict.

(f) When, after explanation by the employee or special Government employee involved, the conflict or appearance of conflict is not resolved, the information concerning the conflict or appearance of conflict shall be reported to the Chairman through the Designated Agency Ethics Official (see 47 CFR 0.231(i)) for appropriate administrative action.

(Secs. 4(i) and 303(r), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r); 18 U.S.C. 207(j))

[48 FR 44803, Sept. 30, 1983]

§ 19.735-406 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or take an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of Title 18, United States Code, or Subpart B of this part.

[32 FR 13456, Sept. 26, 1967]

§ 19.735-407 Interests of employees' relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

§ 19.735-408 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

§ 19.735-409 Information prohibited.

This subpart does not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 19.735-410 Confidentiality of employees' statements.

Each statement of employment and financial interests, and each supplementary statement, shall be held in confidence and shall be retained in the Office of the Managing Director. Each employee charged with reviewing a statement is responsible for maintaining the statements in confidence and shall not allow access to or allow information to be disclosed from a statement except to carry out the purpose of this part or as otherwise required by law. Information from these statements shall not be disclosed except as the Office of Personnel Management or the Chairman may determine for good cause shown.

[54 FR 15195, Apr. 17, 1989]

§ 19.735-411 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order or regulation.

§ 19.735–412 Procedure for obtaining waivers of the applicability of section 4(b) of the Communications Act and the Federal conflicts of interest statutes.

(a) Waiver of section 4(b) of the Communications Act. (47 U.S.C. 154(b))

(1) As indicated in § 19.735-204 of this chapter, no member of the Commission or person in its employ shall have any financial interest delineated in 47 U.S.C. 154(b)(2)(A), except that the Commission may waive this prohibition under specific circumstances. (*See* § 19.735-204 (c)(3))

(2) Requests for waiver of the provisions of 47 U.S.C. 154(b)(2)(A) may be submitted by an employee to the Head of the Office or Bureau, who will endorse the request with an appropriate recommendation and forward the request to the Managing Director. The Managing Director, in consultation with the General Counsel, has delegated authority to waive the applicability of section 4(b) of the Communications Act (47 U.S.C. 154(b)). (*See* 47 CFR 0.231(e))

(3) All requests for waiver shall be in writing and in the required detail. The dollar value of the financial interest sought to be waived shall be expressed explicitly or in categories of value provided for in OPM's government ethics regulations. (*See* 5 CFR 734.304)

(4) Before any waiver is granted, the General Counsel shall be furnished a copy of all relevant documents and shall be afforded an opportunity to comment thereon.

(5) Copies of all waiver requests and the action taken thereon shall be maintained in the Office of Managing Director.

(b) Waiver of sections 203, 205 and 208 of the criminal code (18 U.S.C. 203, 205 and 208):

(1) As indicated in § 19.735-204 of this chapter, no employee of the Commission may, except in the discharge of his or her official duties, represent anyone before a court or Government agency in a matter in which the United States is a party or has an interest. (18 U.S.C. 203 and 205). Nor may an employee participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment has a financial interest. (18 U.S.C. 208). These prohibitions may, however, be waived in certain circumstances. (18 U.S.C. 205, 208(b))

(2) Requests for waiver of the applicability of the above Federal conflicts of interest statutes may be submitted as follows:

(i) In the case of employees generally, to the Head of the Office or Bureau to which the employee is assigned;

(ii) In the case of Heads of Offices and Bureaus, to the Chairman; and

(iii) In the case of employees in the immediate offices of a Commissioner, to the Commissioner.

(3) All waiver requests shall be in writing and in the required detail. Before any waiver is granted, the General Counsel shall be furnished a copy of all relevent documents and shall be afforded an opportunity to comment thereon.

(4) Commissioners may grant waivers to employees of their immediate offices.

(5) The Managing Director, in consultation with the general Counsel, has delegated authority to waive the applicability of the conflicts of interest statutes of all other employees. The official to whom the waiver request is submitted will endorse it with an appropriate recommendation and forward it to the Managing Director for approval. (*See* 47 CFR 0.231(e))

(6) Copies of all requests for waivers and the action taken thereon shall be maintained in the Office of Managing Director.

(7) An employee who deems him or herself disqualified from participating in any matter pending before the Commission and who does not request a waiver shall file a statement of disqualification and nonparticipation with the Head of the Bureau or Office

to which assigned and with the Managing Director.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[48 FR 38242, Aug. 23, 1983]

§ 19.735-413 Specific reporting requirements for special Government employees.

(a) The reporting requirements for special Government employees are the same as those applying to Government employees which are also set forth in this subpart.

(b) Except as provided in paragraph (c) of this section, special Government employees shall be required to submit a statement of employment and financial interests which reports:

(1) All other employment; and

(2) The financial interests of the special Government employee which relate either directly or indirectly to the duties and responsibilities of the special Government employee.

(c) The Chairman may waive the requirement in paragraph (b) of this section for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when the Commission finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this paragraph, "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

(d) A statement of employment and financial interests required to be submitted under this section shall be submitted not later than the time of employment of the special Government employee as provided in the Commission's regulations. Each special Government employee shall keep his statement current throughout his employment with the Commission by the submission of supplementary statements.

(e) As indicated in § 19.735-306, a special Government employee is subject to certain prohibitions of the Federal conflicts of interest statutes contained in sections 203, 205, and 208 of Title 18 of the United States Code. The procedures for obtaining a waiver of these statutes are the same as those applying to Government employees which are set forth in § 19.735-412.

Subpart E—Financial Reporting Requirements of the Ethics in Government Act

AUTHORITY: Secs. 4(i) and 303(r), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r); 18 U.S.C. 207(j)).

SOURCE: 48 FR 44803, Sept. 30, 1983, unless otherwise noted.

§ 19.740 General.

Commissioners and certain senior and policymaking employees, as specified in this subpart, must file a Financial Disclosure Report annually or as otherwise required by this subpart. The provisions of this subpart are issued in accordance with the reporting requirements of the "Ethics in Government Act of 1978," Pub. L. 95-521, 92 Stat. 1824 (Oct. 26, 1978), as amended by Pub. L. 96-19, 93 Stat. 37 (June 13, 1979). See 5 CFR Part 734.

§ 19.741 Persons required to file.

(a) *Incumbents.* Individuals who have served in the following positions for more than 60 days during any calendar year must file an "Executive Personnel Financial Disclosure Report" (OPM Standard Form 278) on or before May 15 of the succeeding year with the Designated Agency Ethics Official:

(1) Commissioners;

(2) Members of the Review Board;

(3) Administrative Law Judges;

(4) All employees (including special Government employees as defined in 18 U.S.C. 202) whose rate of pay (excluding "step" increases) equals or exceeds the base pay of grade GS-16 of the General Schedule; and

(5) All employees in positions excepted from the competitive service by reason of being of a confidential or policymaking character, such positions to include (but are not necessarily limited to) legal, engineering, confidential and special assistants to the Commissioners and other employees in the excepted service whose positions are policymaking or confidential in character, provided that a person in such position whose rate of basic pay is less than the base pay of grade GS-16 and who has no role in advising or making policy determinations may be excluded from the requirements of this section upon compliance with the requirements of 5 CFR 734.203.

(6) Designated Agency Ethics Official.

(b) The following individuals must file with the Designated Agency Ethics Official an "Executive Personnel Financial Disclosure Report" (OPM Standard Form 278) within the time specified for each:

(1) *Nominees.* Any person nominated to be a member of the Commission must file such report within five days of the transmittal by the President to the Senate of the nomination of the individual.

(2) *New entrants.* Persons who have assumed a position described in paragraph (a) of this section must file such report within 30 days of assuming such position, unless the individual has left another Government position described in 5 CFR 734.202 within 30 days of assuming such new position or has filed such report pursuant to category (1) of this paragraph. This requirement shall not apply to an individual who, as determined by the Designated Agency Ethics Official, is not reasonably expected to perform the duties of his office or position for more than 60 days in a calendar year, except that if such individual performs the duties of his or her office or position for more than 60 days in a calendar year such report shall be filed within 15 days of the sixtieth day.

(c) *Termination of employment.* Persons who have terminated employment in a position described in paragraph (a) of this section must file an "Executive Personnel Financial Disclosure Report" (OPM Standard Form 278) with the Designated Agency Ethics Official within 30 days of termination of employment, unless such individual has accepted employment in another Government position described in 5 CFR 734.202. Such report shall cover:

(1) The preceding calendar year (if the report required by paragraph (a) of this section has not been filed); and

(2) The portion of the calendar year in which such termination occurs up to the date the individual left such position. This paragraph does not apply to an individual who does not perform the duties of his office or position for more than 60 days in a calendar year.

(d) *Waiver.* The Director of the Office of Government Ethics may grant a publicly available request for a waiver of any reporting requirement under this subsection for an individual who is expected to perform or has performed the duties of his or her office or position fewer than 130 days in a calendar year, but only if the director determines that: such individual is not a full-time employee of the Government; such individual is able to provide services specially needed by the government; it is unlikely that the individual's outside employment or financial interests will create a conflict of interest; and public financial disclosure of such individual is not necessary in the circumstances. See 5 CFR 734.205.

(e) *Extensions.* The Designated Agency Ethics Official may, for good cause, grant an extension of time for filing the reports required by this section of up to 45 days. Any other extension must have the approval of the Office of Government Ethics. See 5 CFR 734.201(f).

(f) After being reviewed in accordance with § 19.742 of this subpart, copies of the reports filed under paragraphs (a)(1), (a)(6), and (b)(1) of this section shall be transmitted to the Director of the Office of Government Ethics.

§ 19.742 Review of reports.

Each report filed under this subpart shall be reviewed by the Designated Agency Ethics Official (DAEO) within

60 days after such filing. The report filed by the DAEO shall be reviewed by the Chairman (or his or her delegate) prior to transmitting a copy to the Director of the Office of Government Ethics.

(a) If the report is in compliance with applicable laws and regulations, the report shall be so certified by the DAEO.

(b) If additional information is required, the DAEO shall notify the individual of the additional information required and the date by which it must be submitted.

(c) If the DAEO finds reason to believe, based on the information submitted, that the individual may not be in compliance with applicable laws and regulations, the DAEO shall notify the individual and afford him or her a reasonable opportunity for a written or oral response. If, after considering any such response, the DAEO concludes that an individual is not in compliance with applicable laws and regulations, the DAEO shall notify the individual of that opinion and, after an opportunity for personal consultations (if practicable), determine and notify the individual of which steps, if any, would in the DAEO's opinion be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken, ordinarily within 90 days. If steps for assuring compliance are not taken by the specified date, the matter shall be referred to the Commission for appropriate action (or, in the case of a Commissioner, to the President). See 5 CFR 734.604.

(d) For purposes of assisting employees, the DAEO shall maintain a list, which shall be available to employees, of those circumstances or situations which have resulted or may result in noncompliance with applicable laws and regulations. The absence of a particular circumstance from such list shall not be construed that such circumstance would be in compliance.

§ 19.743 Custody of and public access to reports.

(a) A copy of a position description shall, if available, be attached by the Designated Agency Ethics Official to each report filed pursuant to this subpart.

(b) Any report filed pursuant to this subpart shall be available for public inspection and copying within 15 days after such report is received upon fulfillment of the requirements of § 0.460 of Part 0 of this chapter. Such reports shall not be obtained or used: for any unlawful purpose; for any commercial purpose, other than by news and communications media for dissemination to the general public; for determining or establishing the credit rating of any individual; or for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(c) Any report filed pursuant to this subpart shall be retained by the agency and made available to the public for six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation or as otherwise provided by section 205(d) of the Ethics in Government Act of 1978. See also 5 CFR 734.603(f).

FINDING AIDS

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